S. HRG. 101-203

NATIONAL MEMORIAL MUSEUM OF THE AMERICAN INDIAN

JOINT HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

AND THE

COMMITTEE ON
RULES AND ADMINISTRATION
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 978

TO AUTHORIZE THE ESTABLISHMENT WITHIN THE SMITHSONIAN INSTITUTION OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN, TO ESTABLISH A MEMORIAL TO THE AMERICAN INDIAN

MAY 12, 1989
WASHINGTON, DC

U.S. GOVERNMENT PRINTING OFFICE
98-366 WASHINGTON : 1989

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S411-30

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NATIONAL MEMORIAL MUSEUM OF THE AMERICAN INDIAN

FRIDAY, MAY 12, 1989

U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS,
MEETING JOINTLY WITH THE COMMITTEE ON RULES AND ADMINISTRATION,

Washington, DC.

The committees met, pursuant to notice, at 9:30 a.m., in room 301, Russell Senate Office Building, Hon. Daniel K. Inouye (chairman of the Select Committee on Indian Affairs) presiding.

Present: Senators Inouye, McCain, Ford, Moynihan, Stevens, and Cochran.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Today's hearing will come to order.

In February 1987, the Select Committee on Indian Affairs held a hearing on a bill to provide for the repatriation of sacred objects and artifacts acquired under questionable circumstances and which are the subject of valid legal claims of Indian tribes and nations.

In his testimony before the committee, Smithsonian Secretary Adams indicated that of the 34,000 skeletal remains currently in the Institution's collection, approximately 42.5 percent, or 14,523 of the specimens are the remains of North American Indians, and another 11.9 percent, or 4,061 of the specimens represent Eskimo, Aleut, and Koniag populations.

Tribal reaction to this information was swift, and in the months which followed, Indian nations around the country called for the repatriation of those skeletal remains that could be identified as associated with a specific tribe or region for their permanent disposition in accordance with tribal customs and traditions, and for the proper burial elsewhere of those remains of Native Americans that could not be so identified.

I discussed this matter with tribal leaders from all parts of Indian country, and proposed to them that there be established in the Nation's capital a living memorial to commemorate those ancestors whose spirits have not been put to rest. I then began an investigation of my own, and I soon learned that in this city of monuments, where there is a monument on every traffic circle and at almost every intersection, there is not a single monument honoring the American Indian.

Shortly thereafter, I received a call from Barber Conable, now president of the World Bank, but formerly the president of the

board of trustees of the Museum of the American Indian, Heye Foundation, who invited me to visit the museum in New York. So in April 1987, accompanied by Smithsonian Secretary Adams, I visited the museum.

It was 73 years ago this week that George Gustav Heye established a trust of his life-long collection of objects and artifacts, clothing, and all means of life gathered from the indigenous people of North, Central, and South America. His collection of over 1 million objects and artifacts became the Museum of the American Indian, Heye Foundation. But today this priceless collection is housed in inadequate facilities that threaten the very survival of this collection.

Bob Adams and I met with the Heye board of trustees on that visit, and we discussed how we might all work together to provide a more suitable home for this unequaled collection. Since that time, as many of you know, there have been discussions and negotiations in an effort to reach a reasonable solution that would accommodate the concerns and interests of all parties.

It has not been an easy process, but I am pleased to report that on Monday of this week the board of regents of the Smithsonian Institution announced their approval of an agreement with the Museum of the American Indian, Heye Foundation, that will provide for the transfer of the priceless Heye collection to the Smithsonian Institution.

The legislation that we consider today, S. 978, will implement that agreement and will establish, within the Smithsonian Institution, the National Museum of the American Indian—to be located on the last remaining site on the national mall nearest the Capitol—between the Air and Space Museum and the Botanic Gardens.

The national museum that we envision will one day be a system of exhibitions nationwide, but most immediately, there will be a museum facility established in the old United States Custom House located at One Bowling Green in New York City to be known as the George Gustav Heye Center of the National Museum of the American Indian.

This museum will be a living memorial dedicated to honor the magnificent contributions that Native Americans have made to our society. It will provide an opportunity for all Americans to learn not only of the historic grandeur and the rich cultural legacy that the ancestors of today's generations of Indian people have brought to us, but also a relevant and current manifestation of the contemporary culture of American Indians and Alaska Natives.

Perhaps most importantly, with our eyes toward future generations, this museum will foster a sense of self-esteem and pride in Indian children—to know that they come from a great and proud heritage, and that they are the chosen ones that will carry on the magnificent culture and traditions, the art and dance and religion of their ancestors, and that American society will be enriched by their contributions, as it has been by the contributions of their forefathers.

This is, I believe, a day to celebrate—a day in which we take a small step toward writing a new chapter in Indian history—a chapter, which, unlike many of those that have been written in the past, will be one that our children can respect, and the generations which succeed us will point to with pride.

[Text of S. 978 follows:]

II

101ST CONGRESS
1ST SESSION

S. 978

To authorize the establishment within the Smithsonian Institution of the National Museum of the American Indian, to establish a memorial to the American Indian, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11 (legislative day, JANUARY 3), 1989

Mr. INOUYE (for himself, Mr. FORD, Mrs. KASSEBAUM, Mr. DOMENICI, Mr. PACKWOOD, Mr. BAUCUS, Mr. BURDICK, Mr. DASCHLE, Mr. COCHRAN, Mr. MCCAIN, Mr. GORTON, Mr. RUDMAN, Mr. KENNEDY, Mr. ADAMS, Mr. CONRAD, Mr. D'AMATO, Mr. HATFIELD, Mr. BURNS, Mr. BRADLEY, Mr. RIEGLE, Mr. SIMON, Mr. PRESSLER, Mr. DECONCINI, Mr. MURKOWSKI, Mr. SANFORD, Mr. DODD, Mr. WIRTH, Mr. MATSUNAGA, Mr. REID, Mr. BINGAMAN, Mr. KERREY, Mr. STEVENS, Mr. KOHL, Mr. METZENBAUM, Mr. MOYNIHAN, and Mr. Dole) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

MAY 12 (legislative day, JANUARY 3), 1989

Committee discharged

MAY 12 (legislative day, January 3), 1989

Ordered; referred jointly to the Committees on Rules and Administration and the Select Committee on Indian Affairs

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A BILL

To authorize the establishment within the Smithsonian Institution of the National Museum of the American Indian, to establish a memorial to the American Indian, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National American Indian Museum Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) there is no national museum devoted exclusively to the history and art of cultures indigenous to the Americas, specifically Indians, Eskimos, and Aleuts;

(2) although the Smithsonian Institution employs more than 6,000 people, operates 19 museums, galleries, and major research facilities, and sponsors extensive American Indian programs, none of its institutions are devoted specifically to Native American art and history;

(3) the Museum of the American Indian, Heye Foundation, located in New York City, has an unequaled assemblage of more than 1,000,000 Indian art objects and artifacts and is one of the largest of such collections in the world;

(4) the library of the Museum of the American Indian, Heye Foundation, houses 40,000 volumes relating to the archaeology, ethnology, and history of Native American peoples;

(5) the collection of the Museum of the American Indian, Heye Foundation, of art, artifacts, specimens and books is inadequately housed in 3 separate facilities totaling 90,000 square feet, with 95 percent of the collection of art and artifacts stored in 20,000 square feet and the collection of books kept in a 15,000 square foot library;

(6) the collection of the Museum of the American Indian, Heye Foundation needs a minimum of 400,000 square feet to adequately exhibit and store art and artifacts and to provide space for scholars and researchers;

(7) the bringing together of the collection of the Museum of the American Indian, Heye Foundation, and the Native American collection of the Smithsonian Institution would—

(A) create an institution whose capabilities for exhibition and research would be unrivaled in scope and would give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Indians; and

(B) provide—

(i) a meeting place for scholars,

(ii) a significant, national facility for the exhibition of Indian art and artifacts,

(iii) a stage for the performing arts,

(iv) curation and other learning opportunities for Indians, and

(v) traveling exhibitions to communities throughout the Nation;

(8) approximately 300 skeletal remains of Indians collected from battlefields and burial grounds were sent to the Army Medical Museum by order of the Surgeon General of the United States Army and later transferred to the Smithsonian Institution where they are still stored;

(9) the Smithsonian Institution has acquired additional collections of Native American skeletal remains through—

(A) archaeological excavations, and

(B) donations from individuals and museums;

(10) these collections have been estimated to contain the remains of approximately 18,000 Indians, Eskimos, and Aleuts and the existence of these collections has concerned many Indian tribes and bands and Alaska Native villages which are determined to provide an appropriate resting place for their ancestors;

(11) identifying the geographic and tribal origins of Indian and Alaska Native skeletal remains in the Smithsonian collections is essential to addressing these concerns; and

(12) an extraordinary site on the National Mall in the District of Columbia (U.S. Government Reservation No. 6) which has been reserved for the use of the Smithsonian Institution is available for construction of a suitable building to permanently house the collection of the National Museum of the American Indian.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Indian" means an individual who is a member of an Indian tribe, including any individual who is an Alaska Native.

(2) The term "Alaska Native" means any Eskimo, Aleut, Alaska Indian, Inuit, or Inupiat.

(3) The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act).

(4) The term "Native American" means an Indian or a Native Hawaiian.

(5) The term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

(6) The term "Museum" means the National Museum of the American Indian established under section 4.

(7) The term "Heye Museum" means the Museum of the American Indian, Heye Foundation.

(8) The term "Board of Trustees" means the Board of Trustees of the National Museum of the American Indian.

(9) The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

ESTABLISHMENT OF THE MUSEUM

SEC. 4. (a) There is established within the Smithsonian Institution a living memorial to Native Americans and their traditions which shall be known as the "National Museum of the American Indian" and shall provide for—

(1) the advancement of the study of the Native peoples of the Americas and the study of their languages, literature, history, art, anthropology, and life;

(2) the collection, preservation, and exhibition of Indian objects of artistic, historic, literary, anthropological, and scientific interest related thereto;

(3) programs of Indian research and study; and

(4) the means of carrying on this work in the District of Columbia, the State of New York, and such other locations as may be appropriate.

(b)(1) The area bounded by Third Street, Maryland Avenue, Independence Avenue, Fourth Street, and Jefferson Drive, Southwest, in the District of Columbia, is appropriated to the Smithsonian Institution as the permanent site of a facility for the Museum. A facility for the Museum shall be constructed on such site.

(2) A significant facility for the Museum consisting of approximately 82,500 square feet, including auditorium and loading dock space shared with the General Services Administration, shall be established in the Old United States Custom House at One Bowling Green, New York, New York, and shall be designated "The George Gustav Heye Center of the National Museum of the American Indian".

(3) A facility for the conservation and storage of the collections of the Museum shall be established at the Museum Support Center of the Smithsonian Institution.

(c) The Board of Regents is authorized to—

(1) enter into a conveyance agreement with the Heye Foundation, the terms of which shall—

(A) provide for the transfer of title of those assets of the Heye Foundation described in the Memorandum of Understanding between the Smithsonian Institution and the Heye Foundation dated May 8, 1989, to the Smithsonian Institution for the benefit and use of the Museum;

(B) require that such assets be used for purposes consistent with the trust indenture established by George Gustav Heye on May 10, 1916; and

(C) be governed by, and construed in accordance with, the laws of the State of New York to the extent permitted under the laws of the United States and the Constitution of the United States and under the jurisdiction of the United States District Court for the Southern District of New York;

(2) plan, design, and construct, or to acquire, the facilities described in subsection (b), which shall together aggregate at least 400,000 square feet;

(3) provide for the permanent acquisition of Native American objects and artifacts from the Heye Museum;

(4) purchase, accept, borrow, or otherwise provide for the temporary or permanent acquisition of Native American objects and artifacts from other museums or private collections; and

(5) preserve, maintain, restore, loan, or exchange objects and artifacts in the collection of the Museum.

BOARD OF TRUSTEES OF THE MUSEUM

SEC. 5. (a) There is established within the Smithsonian Institution the Board of Trustees of the National Museum of the American Indian.

(b) The Board of Trustees shall—

(1) recommend annual operating budgets for the Museum;

(2) provide advice and assistance to the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the Museum;

(3) subject to the general policy established by the Board of Regents, have the sole authority to—

(A) loan, exchange, sell, or otherwise dispose of any part of the collections of the Museum, but only if the funds generated by such disposition are used for additions to the collections of the Museum or for additions to the endowment of the Museum,

(B) subject to the availability of funds and the provisions of annual budgets of the Museum, purchase, accept, borrow, or otherwise acquire artifacts and other property for addition to the collections of the Museum, and

(C) establish policy with respect to the utilization of the collections of the Museum;

(4) subject to the general policy established by the Board of Regents, have authority to—

(A) establish policy with respect to the restoration, preservation, and maintenance of the collections of the Museum,

(B) solicit funds for the Museum and determine the purposes to which those funds shall be applied,

(C) approve expenditures from the endowment of the Museum, or of income generated from the endowment, for any purpose of the Museum,

(D) consult with and advise the Director of the Museum on annual budgets to be recommended to the Board of Regents and otherwise consult with, advise, and support the Director in the operation of the Museum,

(E) provide for the exhibition of Native American objects and artifacts from the collections of the Museum, and from the collections of the Heye Museum, in regional facilities of the Museum,

(F) conduct programs of research and evaluation with respect to the collections of the Museum,

(G) conduct educational programs with respect to the collections of the Museum, and

(H) develop and implement policy as to the method of display of the Native American objects and artifacts in the collections of the Museum;

(5) adopt bylaws to carry out the functions of the Board of Trustees;

(6) designate a chairman from among the members of the Board of Trustees and such other officers as may be provided for by the Board of Trustees;

(7) report annually to the Board of Regents on the acquisition, disposition, and display of Native American objects and artifacts and on other matters within the discretion of the Board of Trustees; and

(8) submit an annual report to the Congress which includes the proceedings of the Board of Trustees and a full account of the financial operations of the Board of Trustees for the preceding fiscal year.

(c)(1)(A) The initial Board of Trustees shall consist of the following individuals:

(i) the Secretary of the Smithsonian Institution,

(ii) an Assistant Secretary of the Smithsonian Institution designated by the Board of Regents,

(iii) 8 individuals appointed by the Board of Regents, and

(iv) 15 individuals appointed by the Board of Regents from a list submitted by the board of trustees of the Heye Museum of candidates who are members of the board of trustees of the Heye Museum.

(B) At least 7 of the members of the Board of Trustees appointed by the Board of Regents under this paragraph shall be of Native American ancestry.

(C) Any vacancy on the Board of Trustees that is caused by the failure of a member of the Board of Trustees appointed under subparagraph (A)(iv) to complete the term of office of such member shall be filled by any individual appointed by the Board of Regents without regard to subparagraph (A)(iv), but subject to the requirements of subparagraph (B).

(D) The term of office of each of the members of the initial Board of Trustees appointed under clauses (iii) and (iv) of subparagraph (A) shall be 3 years.

(2)(A) Upon the expiration of the terms of office of the members of the initial Board of Trustees appointed under clauses (iii) and (iv) of paragraph (1)(A), the Board of Trustees shall consist of—

(i) the Secretary of the Smithsonian Institution,

(ii) an Assistant Secretary of the Smithsonian Institution designated by the Board of Regents, and

(iii) 23 individuals appointed by the Board of Regents from a list of nominees submitted by the Board of Trustees.

(B) At least 12 of the members of the Board of Trustees appointed under subparagraph (A)(iii) shall be of Native American ancestry.

(C)(i) Except as otherwise provided in this subparagraph, the term of office of each member of the Board of Trustees appointed under subparagraph (A)(iii) shall be 3 years.

(ii) Of the initial members of the Board of Trustees appointed under subparagraph (A)(iii), who succeed the members appointed under clauses (iii) and (iv) of paragraph (1)(A)—

(I) 7 members shall have a term of office of 1 year,

(II) 8 members shall have a term of office of 2 years, and

(III) 8 members shall have a term of office of 3 years.

The Board of Regents shall designate the term of office of each of these members at the time the member is appointed.

(3) Any member of the Board of Trustees appointed to fill a vacancy occurring prior to the expiration of the term of office for which his predecessor was appointed shall be appointed for the remainder of such term.

(d) A majority of the members of the Board of Trustees shall constitute a quorum and any vacancy on the Board of Trustees shall not affect the power of the Board of Trustees to function.

(e) Members of the Board of Trustees may be reimbursed for travel, subsistence, and other necessary expenses incurred by the members in the performance of their duties as members of the Board of Trustees.

(f) The Secretary of the Smithsonian Institution shall ensure that the Secretary of the Interior is provided, in a timely manner, information regarding—

(1) the activities of the Board of Trustees and of the Museum, and

(2) matters that are to be considered by the Board of Trustees.

DIRECTOR; STAFF

SEC. 6. (a) The Secretary of the Smithsonian Institution may appoint and fix the compensation and duties of the Director of the National Museum of the American Indian and of such other officers and employees of the Museum as may be necessary for the efficient administration, operation, maintenance, and preservation of the Museum.

(b) The Director of the Museum and 2 other employees of the Museum may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51, and subchapter III of chapter 53, of title 5 of such Code.

(c) All employees of the Heye Museum serving at the time of the transfer of its collections, endowment, and other property to the Smithsonian Institution shall be offered employment by the Smithsonian Institution under the usual terms of employment of the Smithsonian Institution and may be appointed without regard to the provisions of title 5 of the United States governing appointments in the competitive service and chapter 51, and subchapter III of chapter 53, of title 5 of such Code.

FACILITY IN NEW YORK

SEC. 7. Notwithstanding any provision of law other than the provisions of this Act, the Administrator of General Services is authorized, upon such terms and for such periods as may be mutually agreed upon by the Administrator and the Secretary of the Smithsonian Institution, to furnish at a nominal charge to the Smithsonian Institution, for a period of not less than 99 years, space (as provided in section 4(b)(2)) in the Old United States Custom House at One Bowling Green, New York, New York. The Smithsonian Institution shall reimburse the Administrator for the Smithsonian Insti-

tution's pro rata share of the cost of utilities, maintenance, cleaning, and other services incurred with respect to such space and the full cost of any repairs or alterations requested by the Smithsonian Institution with respect to such space.

AFFILIATES OF THE MUSEUM

SEC. 8. (a) The Board of Regents, in consultation and cooperation with the Board of Trustees, is authorized to—

(1) designate an existing museum, or museum-like facility, in each of the southwestern, northwestern, midwestern, northeastern, and southeastern regions of the United States, and in the State of Hawaii and the State of Alaska, as an affiliate museum of the Museum,

(2) loan Native American artifacts and objects from the collection of the Museum to such affiliate museums for temporary display at the affiliate museums, and

(3) provide appropriate financial and technical assistance to the affiliate museums for physical improvements and programs.

(b)(1) Each affiliate museum designated under subsection (a)(1) shall—

(A) provide exhibit space for Native American objects and artifacts as well as serve as a comprehensive interpretative and educational center that would highlight the significant historical, artistic, and cultural

achievements of Native Americans of the region in which the affiliate museum is located, and

(B) sponsor and coordinate a variety of traveling, representative exhibits to schools, museums, and to local communities in such region that stress the rich cultural legacy of the Native American people and increase educational awareness among people in such region.

(c)(1) The Board of Regents is authorized to establish an advisory council within each region or State described in subsection (a) that shall—

(A) work with the Smithsonian Institution and the Museum to establish museum policy with respect to the affiliate museum designated under subsection (a)(1),

(B) oversee museum curation and acquisitions for such affiliate museum, and

(C) provide necessary technical assistance for such affiliate museum.

(2) Each advisory council established under paragraph (1) shall consist of at least 11 individuals who are knowledgeable and experienced in the Native American arts and cultures of the region or State for which the advisory council is established.

(3) In appointing the members of any advisory council established under paragraph (1), the Board of Regents shall extend a preference to Native Americans.

STUDY ON DISPOSITION OF SKELETAL REMAINS

SEC. 9. The Board of Regents, in consultation with the Board of Trustees, shall—

(1) identify to the fullest extent possible the geographic and tribal origins of the skeletal remains of Indians and Alaska Natives in the collections of the Smithsonian Institution;

(2) conduct a study and make recommendations as to the final disposition of the skeletal remains of Native Americans that are in the possession of the Smithsonian Institution;

(3) consult with Native American traditional religious leaders in making recommendations as to the final disposition of such skeletal remains; and

(4) report to Congress by no later than the date that is 3 years after the date of enactment of this Act on—

(A) the identity of such skeletal remains, and

(B) the findings and recommendations of the study conducted under paragraph (2).

PLEDGE

SEC. 10. The faith of the United States is pledged that the United States shall provide such funds as may be neces-

sary for the design, construction, administration, maintenance, and operation of the Museum and the administrative expenses and costs of operating the Museum, including the protection and care of collections acquired by the Board of Trustees or the Board of Regents, so that Museum shall at all times be properly maintained and collections contained therein shall be exhibited regularly to the general public free of charge.

TRANSFER OF FUNDS

SEC. 11. Any funds appropriated to carry out the provisions of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other actions, to the extent of the funds so transferred, as may be necessary to carry out the provisions of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. (a) There are authorized to be appropriated to the Smithsonian Institution—

(1) $16,000,000 for fiscal year 1990, and

(2) such sums as may be necessary for each of the succeeding fiscal years,

to carry out the provisions of this Act.

(b) Funds appropriated under the authority of subsection (a) for any period prior to the availability of the facilities described in section 4(b) shall remain available without fiscal year limitation for administrative and planning expenses and

for the care and custody of the collections of the Museum and the Heye Museum.

○

The CHAIRMAN. I am pleased now to call upon the vice chairman of the committee, the Honorable John McCain.

STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR FROM ARIZONA, VICE CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

Senator MCCAIN. Thank you, Mr. Chairman.

I am pleased and honored to be here with you this morning to receive testimony on the National American Indian Museum and Memorial Act. I am pleased to be a co-sponsor of this important legislation.

I want to extend my personal gratitude to Senator Inouye for his outstanding efforts to bring this museum into existence. Mr. Chairman, I know that you have expended enormous amounts of time and energy over the last 2 years to resolve seemingly irreconcilable problems and points of view and achieve a genuine consensus among all of the interested parties.

I think in this case I can speak in behalf of 2 million Native Americans who express their deep and heartfelt appreciation for your efforts, without which this day would not be a reality.

I believe that the museum which would be established under S. 978 will serve as a lasting memorial to the past contributions of Indian and Native peoples to our great Nation. Perhaps more importantly, the museum will provide a focal point for increased understanding and awareness of the continuing vitality of Indian tribes, their cultures, and their governments in our Federal system.

As we all know, Mr. Chairman, our Nation has been greatly enriched by its Indian citizens. There is no facet of our daily lives which is untouched by the past and present contributions of Native Americans. We are unique among the nations of the world in our policies with regard to Indian peoples. While our policies have not always reflected well upon our Government, in general we have endeavored to treat the tribes fairly, to respect their sovereign prerogatives, and to appreciate the benefits derived from the cultural diversity they embody. I believe that the National Museum of the American Indian will stand as a monument not only to the greatness of the Indian people, but also as a constant reminder of our solemn national commitment to honor the existence of the tribes.

I look forward to working with you to secure enactment of S. 978 and thank you again for your leadership.

I would also like to apologize for having to leave. I'd like to explain to the witnesses that you also designated me to serve on another committee—an investigating committee—which is also having another hearing this morning, and I will have to leave to go be involved in that Indian issue, as well.

Thank you again, Mr. Chairman.

The CHAIRMAN. Thank you very much. We will miss you, sir.

As all of us are aware, this measure has been jointly referred to the Select Committee on Indian Affairs and the Committee on Rules of the U.S. Senate. We are most fortunate to have the cooperation and full support of the chairman and ranking member of the Rules Committee. This is a joint hearing and hopefully we will be able to report this measure out next week in a very expeditious manner.

So at this time it gives me great pleasure to call upon the chairman of the Rules Committee. Incidentally, this is his hearing room, not the Indian committee's hearing room. Someday we will take over this place. [Laughter.]

Senator Ford.

STATEMENT OF HON. WENDELL H. FORD, U.S. SENATOR FROM KENTUCKY, CHAIRMAN, SENATE RULES COMMITTEE

Senator FORD. Mr. Chairman, with the patience that you have exhibited throughout the discussion and finalization of the museum, I'm sure that that will be true.

I'm very pleased to join with Senator Inouye and others in this joint hearing this morning. First, I compliment Senator Inouye, Senator Moynihan, and others who have worked so diligently to see that this day arrived.

I am very pleased with the cooperation of the Smithsonian leadership. It is a significant step. It is a significant day. I'm very pleased to be a part of it and I'm very pleased to be a cosponsor of the legislation.

So, Mr. Chairman, as for my respect for you and for what you do here, I think I need say no more because it is of the highest.

I would yield to the distinguished Senator from New York to give him whatever time he might want so that I might not infringe, because I know that you two colleagues worked together. There was some give and take, and it has worked out very well.

I thank you for the opportunity to join you.

The CHAIRMAN. Thank you.

I would like to, in an appropriate fashion, call upon my colleague from New York.

Many of you have been extremely generous with your kind remarks, and I appreciate that very much. But, like any effort, there are many keys to the lock that opens this door. One of the most important keys that was necessary to open this lock was in New York. If we were not able to resolve the problem of the Custom House—and, after all, there was a law involved that controlled the disposition of the Heye Foundation collection—we would not be considering this legislation today.

I would like to now call upon the person that made it possible to resolve this matter of how to bring about a transfer of this collection from the State of New York to the Capitol of the United States to utilize this magnificent building for this museum, and to have that ready for one of our most important observances in the history of the United States, the 500th year anniversary of the arrival of Columbus. Our next speaker has set his goals on having the opening day in 1992.

Senator Moynihan, it is a great pleasure to call upon you, sir.

STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM NEW YORK

Senator MOYNIHAN. Mr. Chairman, I would simply wish to be recorded in the honorable succession of persons who have expressed their great appreciation to you and to your incomparable chief counsel in having seized this opportunity and brought to the Mall,

at long last, what surely is the most singularly appropriate institution the Smithsonian will have there.

At the same time, you have, from the outset, made it clear that if the city of New York collectively and corporately could not figure out what to do with this institution, you would do it for them and us.

I see in our testimony we still don't even know how to spell the word "Custom House." It keeps getting an "s" in New York usage.

The fact is that, thanks to you and to this legislation which I have had the honor to cosponsor, we will have at One Bowling Green, lower Manhattan, a quite exceptional exhibit. The area should not be misunderstood. The area set aside in the Custom House is the equivalent of the Whitney Museum, as an example. The equivalent, for Washingtonians, of the Freer Gallery on the Mall. It is not a perfunctory enterprise at all. And it is a very appropriate site. That is the site on which Peter Minuet purchased the Island of Manhattan from the Canarsie Indians, which began a long practice on Wall Street of selling things that don't belong to you. [Laughter.]

The Canarsies had just paddled over from Long Island. The Algonquins were up in Washington Heights wondering what was going on down at the battery, but so be it.

The area is a particularly attractive area at this point. It has the Statue of Liberty, it has Immigration Museum, it has Ellis Island, it has South Street Seaport Museum. And this will just bring it up very nicely, indeed, and we are quite grateful to you, sir, and to the committee. I'd like to see us move forward.

The CHAIRMAN. Senator Moynihan is a man of many hats. With his New York hat he was able to bring the New York delegation together. With the regional hat, I think the best interests of the Smithsonian has been well represented. And with the hat of the U.S. Senate, the national interest has been well served.

It is now my pleasure to call upon the Senator from New Mexico, the home of many Indian tribes, whose idea to share this great collection with Indian country is now a part of this bill, the Honorable Jeff Bingaman, U.S. Senator.

STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

Senator BINGAMAN. Thank you very much, Chairman Inouye and Chairman Ford and Senator Moynihan. It is a pleasure to be here.

Of course, I join in the commendations to you, Senator Inouye, and to your staff for the leadership you have provided in bringing this to fruition. I think it is a great accomplishment, and it is one that I think reflects on the approach to public policy which actually is effective here in the Congress, and that is getting all the disparate points of view to work together and come up with something that people can live with. So I am extremely honored to cosponsor your legislation.

I am here just to talk about two aspects of the bill—really one aspect of the bill and another aspect which I hope will become a part of the bill.

First let me say I did have the opportunity last year to visit the collection in New York, and did so with some of the leaders of the Indian community from my State. It was a very great experience for all of us, and I think particularly for them because virtually every pueblo and tribe in New Mexico is represented and has art objects and, in some cases, religious objects in that collection. We look very much forward to the time when those objects will be displayed here on the Mall.

The two items that I wanted to particularly focus attention on is the regional museum affiliates—section 105 of your legislation. I think it is useful and important because it takes one of the main purposes that you have had in establishing this museum on the Mall involving the Smithsonian, and it takes it one step further. I think one of those main purposes, as I understand it, was to make this collection and the art in this collection more available to the American public and to those for whom it has meaning.

Clearly this movement of much of the collection here and the establishment of this museum on the Mall will go a long way to do that.

I believe the proposal to have the Smithsonian designate regional museum affiliates does even more in that respect in that it ensures that some of these objects of art will be more readily accessible to the Indian people and to all the people—particularly in the areas of the country from which this great collection was gathered.

The idea here is not to require the Smithsonian to build new museums, not to require the construction of new buildings, but rather to urge that a closer working relationship exist between the Smithsonian and some of the key museums that already are there in the areas of the country from which these objects of art came, and ensure that, to the extent possible, parts of the collection are, in fact, exhibited in those other areas of the country.

I have spoken before this committee before and testified on this legislation and indicated my own experience growing up in New Mexico and not really being aware of the tremendous artistic value of the Indian art work until I became an undergraduate at Harvard and was able to see it there in the Peabody Museum. I think that is just one example of many that could be situated where people in my part of the country have had to come to the East Coast in order to really appreciate the tremendous cultural legacy that, in fact, was taken from their own backyard. I'm sure that concern is even greater among the Native American people, of course, whose ancestors actually created this art work.

So I hope that that part of the bill will remain intact. I hope that the Smithsonian will find a way to have a family of museums that can help to make this collection available, and that that will be a way that we can ensure that these art works are appreciated by more in this country.

The second issue I wanted to call to the attention of the committee is not in this bill, but it is a proposal which I intend to make separately and then perhaps be able to add to the bill if the prime sponsors are agreeable to it, and that is to direct that a museum training program be established for Native Americans, in particular, with regard to this museum.

I think that there is a need for that. I think there is a desire for that on the part of Indian people. And I think the care of Indian artifacts is an area of activity that is peculiarly appropriate for people who are Native American, and, therefore, I think that we are going to make a proposal along those lines. We hope we can get both committees to support that effort, and in this legislation, at some appropriate point, urge that the Smithsonian establish that kind of a training program in curation and in museum management.

So those are the two items that I have to call to the attention of the committee.

Again, I realize that the Smithsonian has tremendous responsibilities in many areas, and I know that they have some reservations about the whole idea. They embrace the mission or the goal of making this collection more accessible, but they have reservations about how they are required to accomplish that. I hope we can work with them and come up with something that is mutually beneficial to everybody concerned and does get this collection out to some of the museums in parts of the country that it is otherwise not going to be available in.

I would be glad to respond if there are any questions from the committee. I greatly appreciate the opportunity to testify on the bill.

The CHAIRMAN. I thank you very much, Senator Bingaman.

I have no questions because I concur with you. And although there are some disagreements at this stage, I am certain that all of these matters can be resolved.

Senator MOYNIHAN. Mr. Chairman, might I make one comment?

The CHAIRMAN. Yes.

Senator MOYNIHAN. I very much agree with Senator Bingaman to say that it has always been the expectation that once we got a museum established that the collection would be shared. Perhaps this is an appropriate point to make to observe that this is a collection of Indian anthropological artifacts that extends from Point Barrow to Tierra del Fuego. It is not simply the 50 States of the United States, but it is the Northern Hemisphere, the Southern Hemisphere, the Isthmus—the whole rank of it. So I'm sure that in the spirit of the Smithsonian they would contemplate exhibits shared with countries of South America, with Canada, and the whole region.

One of the glories of this collection is that it is unique. There is no such collection in the world, which is partly because the Indian presence in the Western Hemisphere is relatively short compared with the species as a whole—the crossing in the Arctic, and perhaps from the South Seas. But anyway, it is about a 20,000 year period. That's what is so unique.

I'd like to thank Senator Bingaman.

The CHAIRMAN. Senator Ford?

Senator FORD. I have no questions of our distinguished colleague, except to remind everyone that we all must understand that the Smithsonian has unusual responsibility as it relates to the care and housing of these artifacts. We should bear with them if they were a little on the conservative side, particularly in the beginning.

I'm very much in favor of regional museums. In fact, I tried to work out something for Kentucky some time ago as it relates to providing a building to make it a Smithsonian Museum.

Will the curator have an Indian background? Would they encourage the display of other artifacts? How would we house those additional artifacts in the future? I would like to hear from Senator Bingaman on these questions.

Senator BINGAMAN. Well, the idea, Senator Ford, is that we would just have a training program that the Smithsonian would conduct for Native Americans in museum management and curation, which would then allow people who had that training to go on and pursue that career in whatever part of the country or museum they might. It just seems that since this is a museum we're establishing that is focused on the historical and cultural legacy of the Indian people, it seems appropriate that that group should be given some particular opportunity to participate in the curation of those items. That's what we had in mind.

Senator FORD. I think the idea is good. As I join my other colleagues, hopefully we could work out something. Understanding the patience of our chairman, I'm sure that he'll wear everybody else out until he gets it. [Laughter.]

The CHAIRMAN. I think we can work this out because, as we all know, the Smithsonian does have, at the present time, training programs of this nature. I feel certain that this is one of those activities that the Smithsonian has in mind.

It might serve your purpose if we put in clear language in the report that we call upon the Smithsonian to consider this as a priority matter, instead of in the bill, itself. That might accomplish the result, because the Secretary has made it clear on several occasions that he hopes to carry on this training program for not this generation, but for generations to come. So I think we are on the same track here.

Senator BINGAMAN. I am anxious to work with the committee and with the chairmen of the two committees to see that we get a good result.

The CHAIRMAN. Thank you.

Senator BINGAMAN. Thank you very much.

The CHAIRMAN. All of the witnesses this morning are extremely important, and all played important roles in bringing about this day, but the next five witnesses have spent many, many hours—sometimes suffering loss of sleep and upset stomachs, indigestion, and everything else. And so instead of calling them up individually, I will ask them to testify as a panel. I would like to see them come to the front here for the record so that the cameras can take a picture of them.

I call upon the man who I have called upon as a giant, because without him we would certainly be elsewhere and not here this morning. I am speaking of the Secretary of the Smithsonian, the Honorable Robert McCormick Adams. I call upon you, sir.

Although Ms. Margaret Gaynor is not on the witness list, I know the role she has played, so please come up here Margaret.

And the chairperson of the Board of Trustees of the Museum of the American Indian, Heye Foundation, Mrs. Wilmot H. Kidd III is

in charge of the collection. I would like to call upon her to come forward. It is always good to see you, Julie.

And the Assistant Attorney General of the State of New York made certain that the laws of the State of New York were carefully followed. Without her help we would not have been able to draw up this bill: Mrs. Pamela Mann.

And the Chief of Staff of the Mayor of the city of New York. She was the one who made it possible to bring the necessary funding to this whole arrangement, and achieve the approval of the city. Without her assistance, obviously we would be elsewhere: Mrs. Diane Mulcahy Coffey.

And the next person is the one who is in charge of the Custom House, and the Custom House was a key in the whole process. The Regional Administrator of the General Services Administration, Mr. Bill Diamond.

Mr. Secretary, it is a pleasure to have you here, sir. I will call upon you first.

STATEMENT OF HON. ROBERT McCORMICK ADAMS, SECRETARY, SMITHSONIAN INSTITUTION, WASHINGTON, DC

Mr. ADAMS. Well, it certainly is a pleasure for me also, Mr. Chairman.

I have a statement that has been formally submitted, and I hope that you might enter that in the record.

The CHAIRMAN. It will be entered immediately following your oral presentation.

Mr. ADAMS. Obviously I share in your pleasure on this extraordinary day.

In beginning a very brief oral comment, I would like to say, as others have already said—and I don't think it is redundant to say it once more—that the principal reason that we are here is because of the extraordinary qualities that you brought to this. I would mention, among those, tenacity. It has been important that you were there steadily holding the course, forcing us to continue with negotiations that, at times, were difficult, but which lead to a result in which I think we can all take pride now that we finally have reached it.

I think your negotiating skills were repeatedly of crucial importance in this process. And, above all, I think it was the vision that you brought to this—a vision that you not only brought to it, but communicated to American Indian communities all across the country and to your colleagues in the Congress, and also to those with whom we all have had to be dealing as we reached this final agreement.

I was particulary struck by your own comment this morning that there were many keys that had to be found to the lock that we now are unlocking. I think that is something we have all discovered.

This is an agreement which has been reached through an understanding of the extraordinarily broad appeal of the Museum—as an instrument for change and improvement in American society, as a whole.

This is, I would say, above all, a museum for all of the American people and, in fact, all people everywhere. I think this is a museum

that will make available to the whole world a record of achievement that is uniquely associated with this continent, with its earliest peoples, with a continuing stream of contributions to the American cultural tradition, as a whole.

I think, of course, we also are engaged in righting a wrong here, which is an element that has been touched on by others. But, beyond that, we are concerned with instilling pride in Indian people and their children, as was mentioned. I think this will bring before the full spectrum of our society the wonderful achievements of Indian culture, and will do so— this is perhaps an element that I should stress—in a way that doesn't pre-occupy itself with the timeless past, but goes on to place considerable stress on the creative and artistic potential that is so widely evident in contemporary American Indian communities.

I would like to give you my personal pledge, sir, that we will, throughout the development of these plans, and throughout the operations that I'm sure will follow them, proceed through the widest possible consultations with American Indian people, and that we will encourage their broad and absolutely crucial involvement in planning and then in taking a major role in leading the museums that will come forward from these plans.

I'd like finally to warmly welcome Senator Bingaman's stress on training. I was delighted to hear you suggest that you might put it in the report as an encouragement to us to carry out plans that I certainly have made verbally and that I believe in. We are particularly concerned about outreach through these collections—outreach to and partnership with American Indian communities.

I think that's all I would say at this point.

[Prepared statement of Mr. Adams appears in appendix.]

The CHAIRMAN. I thank you very much.

Before I call upon the next witness, I would like to have another person join us here, even if that person is not going to testify, because throughout these many years he mothered the collection, protected the collection, and made certain that this collection was made ready for this transfer: Doctor Roland Force, Director of the Museum of the American Indian, Heye Foundation.

Will you join us, Roland? Thank you.

And now may I call upon the chairperson of the Board of Trustees of the American Indian, Heye Foundation, Mrs. Wilmot H. Kidd, III. We call her Julie.

STATEMENT OF MRS. WILMOT H. KIDD III, CHAIRPERSON, BOARD OF TRUSTEES, MUSEUM OF THE AMERICAN INDIAN, HEYE FOUNDATION, NEW YORK, NY

Mrs. KIDD. Thank you, Senator.

I am most grateful to have this opportunity to appear before you all today.

I would like to record my enthusiastic support for the legislation to establish the new National Museum of the American Indian under the auspices of the Smithsonian Institution.

It appears that at long last we are on the verge of establishing a coalition of many interests, entities, powers, and points of view—a

coalition which represents a triumph for an idea whose time has come.

The idea to use the magnificent Heye Collection to form the heart of such a national museum is not a new one. It was originally espoused by Mr. Nelson Rockefeller when he held the office of vice president of the United States over 13 years ago. He knew the collection's stature from his days as Governor of New York, and he knew its operating difficulties, as well.

As vice president, he saw the vision of what the proper utilization of this unique treasure could mean for our Nation, as a whole. But it was too soon for that vision to become a reality.

Now, thanks to the efforts of many people, a National Museum of the American Indian is a concept whose realization is, at last, at hand. But such an institution can be more than a museum, its mission much broader than the preservation, exhibition, and study of a unique and unparalleled collection. It can be a cause which brings us together in an effort to learn, understand, and compromise.

This institution can be a new and proud tool for the communication of the fascinating, subtle, compelling, informative Indian cultural heritage—a heritage shared by us all, Indian and non-Indians alike; a heritage shared, but not understood; shared, but taken for granted; shared, but shunted aside.

We can speak with an astronaut on the moon, but non-Indians have not known how to speak with the people who first revered the gift of our natural world, the peoples who have experienced most poignantly the pollution of our incomparable environment.

Should not we, as a nation, listen to their wisdom? Is it not time to pay tribute to the culture and heritage which fostered that wisdom?

It has been said that the struggle to create this new institution is a tale of two cities, but we who are closely involved in this effort know that that is not the case. Instead, it has been the tale of the fortunes of a powerful partnership through compromise and dedication—a partnership in the best and fullest sense that our Nation can conceive.

This partnership involves the Federal Government, the State of New York, the City of New York, and significant private interests, both within the Indian community and without, and we thank them all for their support.

The visionary leadership of Senator Inouye set the wheels in motion and kept them rolling, both up hill and down, to the spot where we are today. Without his patience and determination we would still be stalled at the station.

Mayor Koch had the courage to set aside our differences and to say that this collection could serve the people of New York and the Nation, as well, to the exclusion of neither, and to the enhancement of both. He then set his chief of staff, Diane Coffey, to work to make it happen, and work she did. We are very grateful to them both.

New York's attorney general, Robert Abrams, and his staff made every effort to compromise and to find a solution so that the museum could, at last, be in a position to fulfill its mission—not only for New York, but for the Nation, as a whole. The Governor of

New York lent his quiet but strong support to this time-consuming endeavor, and New York's Senator Moynihan carried our case to the regents of the Smithsonian who were willing to compromise in the believe that the greater goal must reign supreme.

We are grateful to that Smithsonian and to Secretary Adams and his staff for taking on this enormous task, and for the hard work they have done and will continue to do.

As to the private sector, David Rockefeller, because of his strong belief in this significance of this cause, helped us in numerable small and large ways and gave us this much-welcomed and appreciated support.

And the Indians on the Heye board have opened the eyes of the rest of us to a world and to issues we are just beginning to understand.

There remain some issues to be resolved, of course, but I am confident that this coalition of public and private sectors and people of good will will carry us through the last remaining hurdles. It will be the end of a long and difficult journey but, more importantly, the beginning of an astounding adventure. I hope we, as a nation, will make the most of it.

Thank you.

[Prepared statement of Mrs. Kidd appears in appendix.]

The CHAIRMAN. The Nation will long remember your generosity in helping to share this collection with the rest of the world.

Mrs. KIDD. Thank you.

The CHAIRMAN. We appreciate it very much.

Our next witness represents the attorney general of the State of New York. She was the one that was there working: Mrs. Pamela Mann.

STATEMENT OF PAMELA MANN, ASSISTANT ATTORNEY GENERAL, CHARITIES BUREAU, STATE OF NEW YORK, NEW YORK, NY

Mrs. MANN. Thank you very much, Senator Inouye.

As all others who have spoken here have noted, it is not without your firm support and that of Senator Moynihan and many others that we have been brought to this point.

I welcome the opportunity to speak on behalf of Attorney General Robert Abrams before the Select Committee on Indian Affairs and the Rules Committee on the proposed Federal legislation establishing the National Museum of the American Indian with major facilities in Washington, DC, and New York City.

I ask your indulgence for the present state of my vocal abilities, which are beyond my control.

The legislation would effectuate an agreement between the Museum of the American Indian in New York and the Smithsonian in Washington and would resolve many years of uncertainties over this magnificent collection of Native American arts and artifacts that has had its home in New York since it was created.

As others have noted, the Museum of the American Indian, Heye Foundation, was created in 1916 by George Gustav Heye and is a charitable institution established in and administered under the laws of the State of New York.

For some time, the museum has sought to secure its future and that of its extraordinary collection by seeking to relocate its facilities, but because its collections were received in trust, the museum's choice of the new site must be consistent with George Heye's charitable intent.

The attorney general of the State of New York has a statutory obligation under New York law to oversee charitable institutions of the State. The law requires that the attorney general be vigilant in enforcing the restrictions donors place on their charitable gifts. It requires the attorney general to ensure that the trustees empowered to administer philanthropic gifts devote the trust assets to the accomplishment of the particular purposes ordained by the donors.

To assure that the trustees carry out the purposes of New York's charitable trusts, any agreement relocating an entity such as the Museum of the American Indian, including the agreement and legislation before this committee, must be approved by the New York Court upon notice to the New York attorney general.

A critical purpose of the trust indenture, as originally written by George Gustav Heye, was to maintain a museum in New York. George Heye was a life-long New Yorker, and placed his collection of Indian art and artifacts—as well as what was, in 1916, a huge sum for its maintenance—in a trust whose purpose was, "To promote the public welfare by actively advancing learning and providing means for encouraging and carrying specified work within the State of New York." The indenture also provides for the administration of the trust in New York according to the laws of New York State.

And, since 1916, the Museum of the American Indian has operated three facilities in New York City pursuant to the terms of the trust: an exhibition space at Audubon Terrace in upper Manhattan, a research and storage facility in the Bronx, and a library in the Bronx.

In 1985, the museum's search for a new home lead its trustees to seek the New York Supreme Court's approval to relocate its entire operation outside New York State. Because of the trust indenture's terms, and in light of my statutory oversight role with regard to charitable trusts, the attorney general has opposed the museum's petition to move the entire museum outside the State throughout several years of litigation.

After many years of effort and difficulty, the Office of the attorney general, the city of New York, the Smithsonian Institution, and the Museum participated in negotiations to explore whether an agreement could be arrived at which both secured appropriate facilities for the Museum's unparalleled collections and fulfilled the purposes of the Heye Trust.

After intensive meetings and tireless efforts we have reached an agreement in principle which has now been approved by both institutions. Under this agreement, the Smithsonian would create the new National Museum of the American Indian, which would operate two facilities: The new museum on the Mall in Washington, DC, and an 82,500 square foot facility in the old U.S. Custom House in the city of New York.

The existing Museum of the American Indian would transfer title of its collections to the new National Museum, which would

mount exhibits and conduct educational activities in the two museums, make the collection available to scholars, and preserve and restore this priceless collection by housing portions of it in a storage facility in Maryland.

The agreement, hammered out in very difficult negotiations, represents a compromise which will inure to the benefit of the collection and the public, while fulfilling the purposes of the Heye Trust.

It transfers title in this matchless collection to the Smithsonian, a provision which the Smithsonian insisted upon, while meeting the attorney general's concern that the purposes of the Heye Trust be fulfilled through certain critical provisions.

First, under the Memorandum of Understanding the Smithsonian is firmly committed to maintaining a permanent museum at the Custom House. This is a critically important provision in terms of the requirements of the Heye Trust. The 82,500 square foot facility is comparable in size to other important New York museums, and we have been assured that its exhibition space will be double the exhibition space at the museum's current facilities.

Also, by the terms of the transfer of the museum's collection to the Smithsonian, the collections must be used for purposes set forth in the original trust indenture, thus ensuring a continuation of the donor's charitable intent.

Finally, the fiduciary obligations of the Regents to administer these selections, consistent with the terms of the trust, will be construed under New York State law.

All of these provisions, which ensure a substantial museum presence in New York, are essential to the attorney general's position that this agreement would comport with the trust intent; however, while the Smithsonian has agreed to maintain an 82,500 square foot facility at the Custom House, in our view it has done so only with the greatest reluctance.

In particular, we remain concerned as concrete plans for the Custom House facility are developed that the Smithsonian not attempt to limit the overall size of the Custom House facility or its use of space to be shared with other Custom House tenants.

We hope and expect that the Smithsonian will consult closely with New York State and New York City, which have contributed substantial monies—$8 million each—towards the renovation to ensure that the institution's proposed plans carry out the principles of the memorandum of understanding.

The legislation which has been introduced to implement this agreement appears to contain these guarantees of a substantial and permanent New York presence.

If Federal legislation concerning these critical provisions in particular and the memorandum of understanding in general is passed by Congress, the office of the Attorney General would be able to represent to the court that the agreement honors the intent of the trust indenture and should be approved by the court.

The attorney general firmly believes that this proposal represents a unique and unparalleled opportunity to preserve and restore the marvelously rich collections of the Heye Foundation.

With substantial museum facilities in two of the country's most preeminent cultural centers, far greater portions of this collection will be viewed by the public than has ever been possible.

It is also important that the future of the current Heye Museum facility at Audubon Terrace be resolved to the satisfaction of concerned public officials and the local community. Throughout the many years that the Heye Museum has sought a new home, the attorney general has consistently taken the position that any solutions for the museum's future must also lead to an appropriate use of Audubon Terrace that is in keeping with community interests.

I am pleased that the Smithsonian regents have recently pledge their willingness to work with those concerned to develop appropriate plans for that facility. The establishment of a meaningful cultural presence on the site originally chosen by the museum's founder must be seen as a significant component in an overall resolution of this matter.

The variety and scope of the museum's collections give all who know it an appreciation for the cultural complexity and richness of those who first inhabited the Americas. this unique collection has the capacity to inspire vision and promote understanding—a capacity that must be preserved for future generations.

We urge the committee to support legislation that will ensure the future of the incomparable Heye collection on terms which are consistent with George Heye's charitable intent.

Thank you very much.

[The prepared statement of Mrs. Mann on behalf of Attorney General Robert Abrams appears in appendix.]

The CHAIRMAN. Thank you very much.

Senator STEVENS. Mr. Chairman, could I interrupt you for just a moment?

The CHAIRMAN. Yes; I was just going to say that although we planned to have the questioning begin after the panel concludes its testimony, Senator Stevens has to go back to the Commerce Committee. He has a question he would like to ask.

Senator STEVENS. I thank you for your courtesy. I'm sorry that we have this conflict.

I, along with the rest of the members on my side, congratulate you for what you have provided in terms of leadership to bring us to the point we are today.

I appreciate what you have just said, as a representative of the State of New York, Mrs. Mann. I have but one question, and that is: You mentioned the legislation that you hope will assure that the commitments of the Smithsonian are properly reflected in that legislation. Could you tell me if it has been finally determined now how much the State and city of New York have pledged to the Smithsonian for this whole process? And does the city and the State have any objection if we incorporate that agreement in the legislation?

Mrs. MANN. I can't speak for the city. The Governor of New York has pledged that he will contribute $8 million or one third of the cost of renovating the Custom House, whichever is less, as has the city. That is a firm commitment, which is subject only to appropriation by, at least on the State's part, the New York State legislature.

Senator STEVENS. I said only one question, but normally when we get involved in a situation where there is State, local, and Federal contributions, we provide that the Federal contribution is available

on a matching basis provided that State and local contributors meet their obligations, too. I want to indicate that from my point of view I would intend to pursue that concept in this legislation and to make certain that the funds that are available from the Federal sector are conditioned upon the comparable commitment and performance by the State and local governments.

I have got to go back to the Commerce Committee but will you all explore that? It's just my point of view, and I hope that it doesn't offend my friend, the Chairman.

The CHAIRMAN. Not at all.

Senator STEVENS. Thank you.

Ms. COFFEY. Mr. Senator, may I just say something?

The CHAIRMAN. Yes; please.

Ms. COFFEY. Senator Stevens, I understand your interest, your concern, and your desire to see this. I represent the Mayor for the city of New York, and our money is in the budget that will be published this May 18, next week, our $8 million. So it is firm, it is there, it is going no place else. I can assure you of that.

Senator STEVENS. Good. That enables us to get this money for my good friend from New York and your project if we can convey to the other Members of the Congress that it is a commitment on all three levels of government, and if we don't put up our $8 million that you won't put up yours. I like that sort of a deal. [Laughter.]

The CHAIRMAN. And now may I call on the chief of staff for the Mayor of the city of New York, Mrs. Diane Mulcahy Coffey.

STATEMENT OF DIANE MULCAHY COFFEY, CHIEF OF STAFF TO THE MAYOR OF THE CITY OF NEW YORK, NEW YORK, NY

Mrs. COFFEY. Thank you, Senator.

I also, as those before me, have a prepared statement which I would appreciate your inserting into the record.

The CHAIRMAN. It will be included in the record immediately following your oral presentation.

Mrs. COFFEY. I would like to start first by echoing the comments of the people before me who talked about your tenacity and your persistence and your compassion and concern. I think you talk about the lock that has many keys, but you and Senator Moynihan in this area really were the people who made the establishment of the National Museum of The American Indian possible because of your leadership. You also have very enviable and effective negotiating skills so that during your visits to New York you managed to bring together people who at one time or another, had all been fighting with each other. You managed to bring out the best in all of us, and to actually make us see that there was a possible solution. I think that talent is very unique. Not a lot of people are able to do that in the very quiet way that you have.

So on behalf of the Mayor, we want to say thank you. You really were the catalyst that brought us together.

Senator Moynihan, as always, was in a leadership position as it related to the Custom House and his efforts to secure it for the collection. We thank him for his recognition that it would be a wonderful place to house this fabulous collection. It is very important

to recognize his leadership there, and also his leadership at the Smithsonian on the Board of Regents.

When Julie Kidd finished testifying I actually wanted to clap. It was an emotional testimony which really represents the compassion and care that she has felt about this collection from the beginning. So even though in the early stages of our discussions we were not on the same side, Julie's commitment was something that we all recognized.

It should be said here that without Julie's devotion and financial support, as well as guidance, of the museum, we wouldn't be so prompted, frankly, or wouldn't have been so prompted in the beginning to recognize how important it was to arrive at a solution.

So I would say that just by way of personal comments for everyone.

We in the city are very excited about the museum moving to the Custom House, about the legislation that was introduced. We support it vigorously, enthusiastically, and wholeheartedly. We look forward to your museum on the Mall as much as we look forward to our museum at the Custom House, frankly, because what we will have there, as others before me have said, is a facility that really doubles the exhibition space that we have now or that exists now at Audubon Terrace, but really will be a wonderfully exciting place in which so many visitors to New York and people who live in the city and the surrounding metropolitan area, will be able, really for the first time, to see in a way that it should be seen, the wonderful artifacts of the collection, the exquisite robes and all sorts of historical pieces that comprise the collection.

We have in lower Manhattan now a burgeoning cultural area. We will have the Holocaust Museum. We have a wonderful renewed Battery Park City, we have the South Street Seaport, we have a restored Statue of Liberty, and thousands and thousands—millions of visitors. So this will be a perfect site for this museum.

We look forward to our commitment. As I said to you and Senator Stevens, our $8 million is there. In fact, in what you might not consider to be an extraordinary gesture, but which we certainly do, at the Smithsonian's request, the city has agreed to review and consider annually all applications from the Smithsonian for the Museum of the American Indian for programming money through our Department of Cultural Affairs. This may not sound so peculiar to you, but it is a little bid odd for the city of New York to be giving the Federal Government money. It is usually the other way around. We usually come with our hat in our hand.

But this is a very special situation for us. To our knowledge, the city has never done this before, but Mayor Koch felt very strongly that we should consider the Museum of the American Indian as we would a local cultural institution. We have, next to the Federal Government, the largest cultural budget in the country with all the facilities we support and all the programs we sponsor. So we look forward to adding the Museum of the American Indian to our family of cultural institutions.

I would also like to make a comment on Audubon Terrace, because I know that it has been a subject of concern to all of us. As I think you know, the city does not own the building—it is owned by the Museum of the American Indian. We have been working with

Congressmen Rangel and Weiss and Senator Moynihan and other local elected officials in an effort to arrive at a solution for the use of the site which is compatible to everyone.

In fact, we have made some progress in this area, although we have not yet arrived at a final arrangement. I would say however, that over the last several months our discussions and negotiations have certainly moved us from A to about M in the alphabet.

In other words, we are making progress, and I expect that we will be able to come to an agreement which everyone will endorse.

The CHAIRMAN. I am certain that we will.

Mrs. COFFEY. Thank you again Senator for the opportunity to testify in support of the bill and for all your efforts to make this day possible. We are very appreciative.

[Prepared statement of Mrs. Coffey appears in the appendix.]

The CHAIRMAN. Thank you very much, Diane.

And now may I call upon the landlord of the Custom House, Mr. Diamond.

STATEMENT OF WILLIAM J. DIAMOND, REGIONAL ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, NEW YORK, NY

Mr. DIAMOND. Thank you, Senator Inouye.

If I may, Senator Inouye, I must take this opportunity to express the deep gratitude of the General Services Administration in New York and myself, if I may personally, on behalf of the Federal Government in New York City, for the untiring efforts of Senator Daniel Patrick Moynihan in bringing this second stage of our population into this magnificent building.

I would say that the Custom House at Bowling Green is perhaps the finest Beaux Arts in the United States, and that without Senator Moynihan's efforts going back to the 1970's, this building would not today be in Federal custody, would not today be on the way to being repopulated, and our gratitude to him for his leadership—and we will need his help in the future, sir, to make sure that this building once again becomes the vibrant force for American cultural life that it has been in the past.

If I may, I have a statement. It is in the record, but since we are the landlord in this instance, and there are various interests involved, I would like to read this statement if I may proceed.

The CHAIRMAN. Please do.

Mr. DIAMOND. Specifically, this bill would require the General Services Administration to provide to the Smithsonian approximately 82,500 gross square feet in the Old United States Custom House at One Bowling Green. GSA and the Smithsonian have identified the specific space for the Smithsonian's use.

We have, if you will look at the back of the room, brought with us the Marcel Broyer floor plans for each floor in the Custom House. If I can just generally state, from here, the yellow is for the museum's exclusive use. The green is for joint use and/or outlease use. If you look at the chart all the way to the left you will see there is a blue space in the fifth and sixth floors of the building. That is now occupied by the U.S. Bankruptcy Court and the Trustee. You will see three floors between below the blue and above the yellow. Those three, and one small floor above the blue, are empty

floors. Those are unaltered floors. Those are the old, raw space that GSA will be hoping that the Congress will provide sufficient money for so that we can have a complete building and repopulate that building with Federal tenants.

If I may continue, approximately 47,000 square feet would be devoted exclusively to Smithsonian use. The remainder of the space would be joint use space, including an auditorium and loading dock. Incidentally, that auditorium will be approximately 15,000 square feet in space and hold up to 300 seats. It will be an unparalleled opportunity for the performing arts and for other cultural activities to take place within the Custom House.

The cashier room, collectors room, hallway, and rotunda—that's the magnificent rotunda. We also have a chart showing a cut-away of that—will be additional space available on an outlease basis.

This space has also been identified by GSA and the Smithsonian. The square footage is approximate, since this is a partially restored building and it is an older building that does lend itself to the normal method in which one computes occupiable square footage.

We believe the proper housing of this preeminent collection is important to the cultural history of all Americans. The Old United States Custom House is one of the finest example of Beaux Arts architecture in the United States and, because of its grandeur and historic significance, the Custom House will provide a most appropriate site for exhibiting the collection.

Furthermore, a joint use of this building employing areas of the building best suited for display purposes, and using the rest of the space for administration and office space, is an efficient use of this total building.

Section 7 specifically states that GSA and Smithsonian shall mutually agree to the terms of the tenancy; GSA would include specific areas for exclusive use and joint use, and we have brought the charts there to show you how that is delineated.

Section 7 of the proposed legislation authorizes the Administrator of GSA to furnish space to Smithsonian. This space is to be made available at a nominal charge to Smithsonian except that Smithsonian will reimburse the administrator for its pro rata share of the cost of utilities, maintenance, cleaning, and other services, and the full cost of any repairs or alterations requested by Smithsonian.

The GSA has consistently supported efforts to find a home for the Museum of the American Indian. GSA supported conveyance of the Custom House to the Museum of the American Indian at no cost originally. GSA does not now object to the provision which varies from the usual charge imposed by GSA when furnishing space to Federal agencies. The provision can be viewed as consistent with GSA's willingness to make the space available at no cost directly to the Museum of the American Indian and a recognition that some variation from the norm is justified if it contributes to the resolution of this unique and important issue.

Furthermore, GSA can now house Federal agencies in the remainder of the Custom House to be renovated with funds we anticipate obtaining in the near future. A total of approximately 150,000 net usable square feet of space will be for Federal use, including

approximately 50,000 for the Bankruptcy Court, U.S. Trustee in Bankruptcy, Customs, Justice, and others.

Presently, the Custom House is occupied by the U.S. Trustee in Bankruptcy, the Bankruptcy Court, and PreTrial Services. GSA envisions no difficulty in providing approximately 82,500 gross square feet to the Smithsonian for both exclusive and joint use. The Bankruptcy Court, the U.S. Trustee, and PreTrial will continue occupying its space in the Custom House. We see a positive impact on existing Federal needs—and this is most important—since GSA can reduce the amount of expense of rented space in New York City and satisfy Federal space needs in federally owned property in the Custom House.

The renovation of the Custom House is nearing completion. However, some additional funding of approximately $25 million will be required in the future to complete this project. This amount would be in addition to amounts required by Smithsonian for repairs or alteration to the space assigned to Smithsonian for museum use.

This concludes my prepared and extemporaneous remarks, Mr. Chairman. I would be very willing to answer any questions if I am able to do so.

Thank you.

[Prepared statement of Mr. Diamond appears in the appendix.]

The CHAIRMAN. I thank you very much, sir.

I will now call upon the senior trustee of the State of New York in the U.S. Senate, Senator Moynihan. [Laughter.]

You are the senior trustee of the State.

Senator MOYNIHAN. A gray-haired one.

Mr. Chairman, thank you. And thank you, panel. I especially thank Julie Kidd, who has been so faithful in her concerns. We are here with the museum collection intact thanks to her and to her trustee, of course, and Roland Force.

I'd just like to express that Pamela Mann is responsible at law, and has done it with such great openness and tenacity combined. Those are two not necessarily compatible traits, and she has managed to make them so.

William Diamond, sir, has been an inspired public servant throughout this. As he says, the GSA was supporting the conveyance of the Custom House to the Museum of the American Indian at no cost. This is his part of the treasure of the United States, and that particular building is one of the treasures.

I think it is the case that at one point about one-half the revenues of the Federal Government came from customs collected in the Port of New York in that building. But it was derelict when Diamond came upon the scene.

The CHAIRMAN. Will you yield at that point?

Senator MOYNIHAN. Yes, sir.

The CHAIRMAN. I just hope that the Secretary's office will be maintained.

Mr. DIAMOND. Yes, sir; it will be.

Senator MOYNIHAN. And if Mr. Diamond says it will be, it will be. Things happen.

The CHAIRMAN. That office is a thing of beauty.

Senator MOYNIHAN. Yes; and the committee was offered the building free. Well, we have a museum, and that's what the people

will know, and that is what matters, and I want to thank you, sir. The public never says thanks very well. This doesn't add much to it, either, but I want you to know this Senator feels that way.

Mr. DIAMOND. Thank you, sir. That means a lot to me.

Senator MOYNIHAN. Thank you, Mr. Chairman.

The CHAIRMAN. I have just a few questions——

Senator MOYNIHAN. Mr. Chairman, may I say, sir, that I am required to be in the Committee on Foreign Relations and will have to leave at this point.

The CHAIRMAN. And, Mr. Diamond, I am certain you know that Senator Moynihan is the chairman of the subcommittee that handles——

Senator MOYNIHAN. And we'll get that $25 million. [Laughter.]

The CHAIRMAN. I am also on the Appropriations Committee.

Mr. DIAMOND. Thank you, sir.

The CHAIRMAN. We will take good care of you, sir.

I would like to thank all of you for your testimony. It has been most inspiring.

I have just a few questions.

In my travels throughout Indian country I have had the privilege of meeting many, many leaders and many elders and medicine men. Almost all of them, in discussing the museum, have expressed to me their wish and hope that when the transfer, the physical transfer of the artifacts takes place, that some of the Indian leaders and medicine men will be called upon to make certain that it is done in the proper fashion, because, as we all know, in this collection there are many sacred items.

One could say that every item is sacred, but there are some that are extremely sacred, and I gather that in the movement of such sacred items, proper prayers must be said. So I hope that something like this will be considered in the planning.

Mr. DIAMOND. Sir, if I may say, we have been praying for a long time to get to this point, and once again we thank you.

The CHAIRMAN. Mr. Diamond, are you satisfied with the bill as is, or do you have any amendments? I have been told that you may have some amendments.

Mr. DIAMOND. Well, sir, the sooner we have the authority and the funds, the faster the GSA can make the space available to the Museum of the American Indian and the rest of the building available to Federal tenants.

It is really a shame that the U.S. Government has to pay upward of $50 a square foot to lease space in lower Manhattan when we have a Federal building that, once it is put into occupiable condition, we could place approximately 100,000 square feet of Federal agencies in that building.

We see this as one unit. We must do the background work for the Museum of the American Indian before they really can go in there and do the special type of museum work which the Government cannot do.

We intend to provide them with build-out space, as we would any other Federal agency. That means fire safety, sprinkler, ceilings, floors, et cetera. But they, in turn, then have to come in and build out the space for museum use, such as sealing it and humidifier controls and special exhibition areas.

One has to wait for the other, so the faster we get the money, the sooner it will be there, the sooner we can do the work. We hope to have it ready, as the committee would like, for the 500th anniversary of the discovery of America by Europeans in 1992.

The CHAIRMAN. We will make certain to work very closely with you to expedite this process.

Mr. DIAMOND. Thank you, sir.

The CHAIRMAN. So we will begin right away.

Mr. DIAMOND. Thank you.

The CHAIRMAN. I have just one other question. Mrs. Kidd, you are the chairperson of the board. Do you have any Indian members on your board?

Mrs. KIDD. Yes; indeed we do. We have a significant number of Indians on our board, and I think that their significance to our board really goes even beyond their numbers. I think it would be difficult for us to make the most out of this collection without Indian guidance. It is essential to the carrying out of the mission of the institution.

The CHAIRMAN. Well, once again I thank all of you, because without you we wouldn't be here today. I appreciate your presence here and your testimony. Thank you very much.

Our next panel is made up of Mr. Lloyd Kiva New, founder and acting president of the Institute of American Indian and Alaska Native Culture and Arts Development of Santa Fe, NM; Mr. Rick Hill, artist, Sanborn, NY; Mr. George Horse Capture, Buffalo Bill Historical Center, Cody, WY.

Gentlemen, welcome. Your ancestors are the ones that made this day possible, so you are very important.

May I first call upon Mr. New.

STATEMENT OF LLOYD KIVA NEW, FOUNDER AND ACTING PRESIDENT, INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT, SANTA FE, NM

Mr. NEW. Senator Inouye, members of the committee, it is a great honor for me to have been invited to speak with you today. I am Lloyd Kiva New, Cherokee, artist, and arguably the oldest arts educator in town. In Cherokee country, to be old connotes wisdom. We shall see.

My perspective on the funding of the proposed National Museum of the American Indian is based on a lifetime of involvement in Indian arts and culture. I was the original arts director of the Institute of American Indian Arts when it was opened by the Bureau of Indian Affairs in Santa Fe in 1962, and served as its president until my retirement in 1978.

I currently serve as interim president of the new Institute of American Indian and Alaska Native Culture and Arts Development. Under a recent mandate from Congress, the institute is governed by a board of trustees appointed by the President of the United States, and the majority of the voting members are Indian.

For a number of years I have served the Secretary of the Interior as chairman of the Indian Arts and Crafts Board, also a member of the National Council of the Museum of the American Indian, Heye Foundation, the Heard Museum in Phoenix, AZ, and the Indian

Museum Advisory Board of the Buffalo Bill Historical Center in Cody, WY.

I have been privileged to give more than one-half century of professional-level work and thought, both as working Indian artist and as a trained arts educator, to the observation of the evolution of American Indian art and culture. Fortune has put me at the right spot at the right time several times in my career to allow me to help shape the changes in contemporary art. A lifetime so spent is my best set of credentials to make the following more or less personal remarks.

My initial reading of S. 1722, the bill proposing the authorization by the Congress to establish the National Museum of the American Indian within the frameworks of the Smithsonian Institution produced two immediate reactions: The first was one of excitement about the imminent possibility that Indians would soon have a museum in the most strategic location in the whole of the United States—on the Mall just below the Capitol. I thought: How proper. How timely. But, on the other hand, I thought: Why has it taken so long?

The thought of such a grand opportunity for Indians to gain long-delayed and highly-deserved recognition for their cultural accomplishments on such a large scale caused sleepless periods of ruminations about what such an opportunity might mean toward the betterment of the lives of Indian people, and to an increased understanding of their history, their tribulations, and their glories. And what an opportunity for the correction of the overly-romantic and stereotypical view of Indians and the savagery sometimes attributed to them.

Upon further reading, getting into the pros and cons of the proposed bill, it suddenly occurred to me that the bill was rife with management problems, including the seemingly risky aspects and practical problems involved in melding a number of discrete governing boards.

I have since read a new bill which seems to have taken care of those problems.

I am concerned with the steps yet to be negotiated in the resolution process in order to safeguard the continued maintenance of the precious, one-of-a-kind, irreplaceable objects that would be passed from one institution to another on rather improbable and seemingly unprofessional terms. I assume that that problem has already been solved.

I worried whether a program could be put into play that would ensure the widest availability of the collections to the collective descendants of the various peoples who had originally created them, as well as making them available to the general public. I am still worried about that one.

I detected an over-emphasis on the marketing of the collection with comparably less concern for providing services to the nationwide Indian community.

I also wondered what plans the new museum would have for assisting Indians and their culture moves through predictably difficult transitional times ahead. Would the museum realize the power of the arts as a social tool and encourage the kind of artistic expression that will help Indians find their way through the social

strains and confusion they will be experiencing as they attempt to piece together the remnants of their culture after 150 years of deliberate efforts to deculturize them?

Would the new museum program be concerned with helping the social problems of Indians, or would it concentrate on the simple display of their precious cultural expressions for the mere entertainment and edification of its potentially vast non-Indian audience?

Would the museum concern itself with the fact that the shape and form of Indian art is driven more today by non-Indian commercial interests than by any real deep-seated emphasis coming from traditional cultural forces? This is a great problem that must be continually addressed.

Through the years, I have noted evidence of an increasing inability on the part of bureaucracy to deal with the problem the artist must face when confronted by the choice of continuing tribally-evolved art forms—traditional—or giving in to esoteric and highly individualistic expression that usually goes with newfound human rights and the pull of modernity. The very strong problem that runs throughout all of contemporary Indian America: How do we handle tradition? How do we move forward without sacrificing a great heritage?

I wondered to what extent Indians would be encouraged by the museum's administration to take the lead in setting policies which will undoubtedly have great effect upon the shape of Indian artistic expression to come. I wondered if there would be a genuine function role for Indians in setting the basic mission of the new museum.

These concerns led to other questions: What about the delivery system of museum services to Indian communities, since most Indians will never visit Washington? And about the museum's attitude toward art, tradition, and progressivism?

I would urge the new museum to think through the matter of how to reach Indian people in other ways short of taking over other institutions throughout the Indian world.

Museums, by popular definition, are conservators of culture, as opposed to the projectors of culture. Some are both, thank heaven. Most Indian museums feature the old, the "authentic," for that is the nature of the museum discipline. Unfortunately, this approach adds to the romantic illusion that the past holds more for the Indians than does the future, that Indians have somehow passed the peak of their cultural virility.

Indians are easily caught up in this myth and move toward their future in a near state of apology, or certainly confusion. The new National Indian Museum is in a powerful position to break the bonds of this mythology and offer institutions of great moral support for the Indian cause.

The mere fact of a special building in the Nation's Capitol to display the proud accomplishments of Indians will indeed be felt throughout the Indian country. For a people who have had but faint positive recognition to receive this symbolic giant accolade will go a long way toward lifting the spirits of Indians across the Nation. It will become the cultural rallying point for Indians and Alaska Natives of all tribes if the program proceeds carefully.

It is imperative the new museum management team realize the increasingly powerful role of the arts in the defining of newly evolving culture of Indians as they move into the 21st century. Linked with its sister institution, The Institute of American Indian and Alaska Native Culture and Art Development, which will be dealing with the cultural development needs of Native Americans in an eventual university setting, will create a new synergy—the coming together of two institutions should be the envy of indigenous people throughout the world.

While the core of the new National Museum's program is the proud display of items from a largely unknown cultural treasure chest, for the institute it is the training of leaders in culture and art. The unique cultural contributions of this synergistic institutional team will bring credit to Native Americans and to the larger American culture.

Finally, the bill, as written, emphasizes service to the viewing public, I believe at the expense of projective plans for servicing the Indian community at large. At least the balance of the words that speak to these two things would show that. I think a balance should be struck.

It is not news that there is a growing moral question among Indians about who is the true owner of the many collections that reside in non-Indian museums. Growing tensions can be best alleviated when a museum shares at least nominal access with the collective descendants of the original creators.

It is also know that very few Indians are presently aware of the great body of works which have been so commendably maintained by enlightened and caring museum administrations. I think that what Mr. Heye did—I doubt if he really realized what a great service was rendered to Indian people from now on.

A new National Museum will make it possible, through highly-developed outreach programs and electronic transfer devices, for every American to share in the cultural el dorado represented by the potential offerings of these two major institutions.

Psychological confusion and damaging effects transpire when a member of the present generation of Indians experiences an expanding sense of nationalism, but finds the system to be indifferent to his impelling need to learn more about himself.

The necessity for ready access to the kind of cultural resources that will become available—virtually for the first time—when the projected National Indian Museum opens its door to Indian, research specialists, educators, and the general public, becomes patently apparent.

To realize that Indians, so badly in need of access to personality strengthening materials such as that to be found locked away up until now will be denied access in this great time of need, amounts to a kind of moral corruption and neglect. It is manifested in an unforgivable withholding of information essential to the individual and collective advancement of upcoming generations of young Indians who are presently denied access to the most exciting collection of cultural artifacts identified to date.

Nonetheless, having access to a first-class museum displaying Indian-made items in Washington, DC, would, in itself, convey to Indians generally a sense of being somebody. Such a simple fact, its

truth and importance can be easily lost in the search for some greater, higher-sounding mission, but when all is said and done, being somebody is an important part of living.

Appreciation for the importance of pride and self esteem comes to its fullest only when one considers what happens to people who, in fact, live whole lives without gaining a sense of being somebody. Being somebody, in the phraseology of the cultural sociologist, has to do with the enhancement of one's self-esteem, and the security found in knowing fully where one has come from and where one is going, and also a vicarious sharing in the greatness of one's group's collective achievements.

Identity, self esteem, in the triteness of overuse, becomes almost meaningless—lost in the professional lingo of the would-be social anthropologist.

When the museum is finally built, the Indian grapevine will let the people know that they are at last coming to be recognized as an important part of the great America story. They will soon hear there is an imposing building in Washington, DC, built expressly to make available to them a fairyland of exciting things created by their people.

Having an imposing edifice in Washington, DC, dedicated to Indian art and culture, in itself, would result in a symbolic statement of support for Indians generally. Handled properly with the real Indian input, not token Indian input, and the use of the latest technology for the dissemination of information, a new curriculum on American Indians based on the items in the collections—which are totally unknown to most Indians—could enliven the entire American cultural scene in ways beyond our present comprehensive capacities.

Coupled with the new embryonic university being put together in Santa Fe, and the use of the arts as a major vehicle for cultural definition and its sound evolution, America and the world will soon feel the force of a newly franchised Indian America, the likes of which have never been seen.

There is so much to say. The future for Indians looks so promising, it is difficult to stop. However, may I end by saying, somehow, someway, a way to access to the virtually unknown treasure chests represented by the collections that now lie dormant in both the Smithsonian and the Museum of the American Indian must be found. Apparently we are well on our way. Therein lie the cultural roots of not only Indians, but of all America.

With the will and dedication of all concerned, I am sure these issues can be resolved. I urge you to support the appropriation for the new National Museum of the American Indian with the understanding that it complements, but does not replace, the efforts of the Institute of American Indian and Alaska Native Culture and Arts Development. For the institute is training those artists whose work traces its origins to the artifacts it will house, and it will be producing the artifacts of the future.

Our institutions, both part of the world some call Indian country, are partners in furthering understanding and appreciation.

Thank you again for my time today. I would be pleased to answer any questions.

[Prepared statement of Mr. New appears in appendix.]

The CHAIRMAN. Mr. New, may I assure you that your profound and sensitive words and suggestions will be carefully studied and considered.

Mr. NEW. Thank you.

The CHAIRMAN. Of that I assure you. I believe I can further assure you that as we move along, those who will be in charge of the museum will be calling upon you for your advice and your ideas.

Mr. NEW. Thank you.

The CHAIRMAN. We thank you for your testimony today.

Senator Cochran, do you have any questions?

Senator COCHRAN. No questions, Mr. Chairman. I'd just like to confirm that we really appreciate the presence of this witness.

Your testimony has helped us in a very important way to understand the importance of what we are doing in establishing this museum.

Thank you.

The CHAIRMAN. Thank you.

May I call upon Mr. Hill.

STATEMENT OF RICK HILL, ARTIST, SANBORN, NY

Mr. HILL. Thank you.

I appreciate this opportunity to talk. It is so seldom that we get asked to talk, and it is even more seldom that we actually get listened to. I hope that our words will carry more weight than some of the words we have heard this morning.

We are at a turning point in the development of native culture, and the question is: are we going to be turned away again? Who is going to be responsible for that development?

I agree with you that this is a new page in Indian history, but the question is: Who is going to be the authors of those pages? Is it going to be the non-Indians again that have redefined Indian culture?

We have a problem between Indians and museums. It is an old wound that continues to fester. Part of it is because our relationship in the past has not been that good, and our relationship today with the two museums in question is still not very good.

Part of the problem I see with what we're trying to do here is in terms of helping Indians regain some sense of pride or culture. We already have that. It is not the Smithsonian's job to give us a sense of pride. What they have given us is a sense of frustration in not being able to express that pride in our own terms to the world.

The cultural institutions of this country have really tried to deculturize Indians, because all of the interpretations that are made about us are made by non-Indians. It always amazes me that the people who study our ancestors the most seem to resent us as contemporary Indians the most. There is a real split between us.

What we are talking about here is new perspective. What can Indians bring to the world to help the world understand us better? If we do the same thing that we've done for 100 years in the museum, it is not going to happen. All of these tens of thousands of visitors that come to Washington are going to get the same ethnocentric view of who Indians are. They are not going to get our view of who

we think we are. In this day and age, it is our view that matters the most.

People criticize us to the point that they say we're not even Indians, but we are the descendants of Indians. That's the kind of attitude that we're faced with with the staff people at these two institutions.

Now, I've written quite a bit of testimony, and I've tried to outline the source of the problem that we have here.

Who is going to say who Indians are to the world, and what can we do about it? I also agree it is timely. We need this institution. But what we need is the commitment to the Indian viewpoint right from the foundation.

I hear a lot of words today about assurance that there are going to be Indians involved, but the planning has already begun for the institution and there is no significant Indian involvement in these preliminary stages, and that is going to lead to problems down the road.

Usually what happens is that two weeks before the opening we get called to see whether we can deliver a dance troupe to the opening.

So I think what we're talking about here is to rethink what the institution is to Indians as well as non-Indians.

Part of the testimony that I am delivering kind of keys into what Mr. New is saying. What is the responsibility of the museum to Indians, to our culture, and to our national patrimony? You have to realize that, in Indian communities, we probably have several generations of people that have never even seen this material that we lay claim to, so there is a problem of trying to develop a sense of identity in the future for our own people. We don't have access to the cultural legacy of our people.

It went so far as to the point that to even borrow one object from the Museum of the American Indian could run you up to $1,200 in expenses just to borrow it and bring it out to the reservation. There were a lot of stumbling blocks put up in our way as to why we can't have these things.

It is true that we don't have the kind of institutions you have here. We don't have the secure facilities. We don't have the climate-controlled environment. So there is a problem that even other people are determining the access that we can have to our own materials. It has been very inhibiting in the past.

On the positive side, I think there is a new development in Indian country. We realize that we have to become the managers of our cultural development. We have to lay claim to that authority. It is our responsibility. But because you have all of the materials, we have to work out a true partnership.

I heard the word "sharing" today, and it was encouraging. But you have to realize that what got us to this point is not sharing; it usually was theft, and it usually was the denial of our responsibility and our right to those objects. That's why they end up in these collections.

So if we're going to come back to sharing, both in terms of the use of the objects, the significance of it, and its long-term role in our cultural development, you have to listen to us. We know what

the needs are. We know who the Indians are. We know what our people need. But we have to come up with a way to do it.

I was also disappointed to hear some of the concerns that were expressed by the people from New York, because living in New York at the other end of the State, which they often forget there even is an upstate New York, we are in a real dilemma. The needs that we have on a cultural level need to be highly financed, as you can imagine.

I used to be the director of the North American Indian Tribal Museum Association, and there were probably 100 organizations in the country of Indians trying to manage their cultural affairs. The Federal Government built maybe 20 facilities—some of them multi-million dollar facilities—in Indian country. Most of those buildings today stand on the verge of closing from the lack of operating funds.

New York is a prime example. We have a $5 million Native art facility that the State of New York no longer funds in terms of its programs, so the building will probably close by the end of the year.

We don't have any access to local cultural development for Indians, and that's what we're talking about here—not just regional centers where the non-Indians can come and appreciate our culture. We need regional centers where Indians can come and reclaim the organization of our cultural development. And that is a combination of everything from archival development to museum management to training.

I just wanted to make that point. It is in the testimony.

What I am recommending is the big question that has already come up: Who is going to run the institution? The answer we're already getting back "is not Indian." "Indians are not capable of running a major institution here in Washington."

Well, if you accept that premise, then the responsibility comes to train Indians to run that institution, and the training period should start now, not five years from now when the building opens.

So if there is going to be a commitment to Indian management of this institution, we have to start with that now. Let's train the people that will take over those jobs and really manage a national institution.

The second thing is to take a look at the mandating cultural services. It is only the force of law that brings Indians and non-Indians together at the negotiating table, and I think that has to be incorporated in this legislation. We have to find ways to provide cultural services back to Indians on Indian terms.

We don't need any more paternalistic approaches to Indians. There are a lot of people telling us what is best for us, what the institutions can do for us—and they can do something. But we have to set that agenda.

So I think as part of the proposal that I'm making is that if we can consolidate a division within this new structure, whatever it is going to be, and fund it to the point where it can lead to this kind of local cultural development for Native people and provide national services—you know, there are a lot of resources in the Federal system in dealing with Native art and culture, and I see the need to consolidate those services to have a greater impact.

There is a lot of art in the Federal collections that would spread out all over. There are a lot of resources. If we could pull all that together, provide the kind of training and outreach to Indian communities, I think we'll be more effective.

Indians are going to be a lot more responsive if there is a firm commitment to us at the local level. Then we can contribute at the national level.

The other part of the training, of course, and I think it was mentioned earlier, is that the opportunities for training exist. There are many more Indians in the humanities now than there have ever been in the past, but what they don't want is an entry-level position here in Washington for $15,000. That's not the way that we're going to solve the Indian input in here. We need Indians in the hierarchy of the system, as well.

The fact that there are no Indians on the board of regents of the Smithsonian indicates part of the problem that we're talking about. We're looked at as suppliers of culture, not managers of cultural development.

The other thing is that we do need the law and we do need the money mandated for this.

The other part that I'm recommending is this cultural endowment. Without the money, we can't do anything at the local level. And it is a pretty ambitious thing, but I hear a lot of money being thrown around and I realize that this is a very expensive undertaking. But if we don't have that kind of financial commitment that can put $10 million into Indian country every year to fund cultural development at the local level, we're not going to achieve the objectives that I think is set out in the letter of invitation for this meeting. In fact, I had to pull that letter out and re-read it because I thought there was confusion as to why we were here. I thought we were here to talk about what this museum can do for Indians. The arguments I heard this morning we have heard over and over again. Maybe their inability to address what they can do for Indians shows the problem.

If people think it is an honor to us to have the new museum in New York open on Columbus Day, they're woefully wrong, because it recognizes an ethnocentric point of view. If you want a statement from us in 1992, we can do that. That would be significant. In 1992 this country finally hears the voice of Native peoples and talks about history and talks about culture. Then they have a testament to the living vitality of our people. But if it is a celebration of the conquest of Indians, of the discovery of America, then we're going backwards. We're not moving ahead at all.

But this is the nature of the problem—perceptual problem—over who we are.

What we're asking for here is a significant voice within the development of this, and that significant voice has to start now, not 5 years from now. And it can't be an occasional meeting.

Really, if you think about it, what we should have here is that Indians should be consulting with the museum field, not the other way around. We should be the ones in charge of the development of this institution. But ironically so, we probably won't be. That's the point of my testimony.

Who is going to decide? Who is going to define how this material is used?

Thank you.

[Prepared statement of Mr. Hill appears in appendix.]

The CHAIRMAN. I realize that for 150 years the history of the United States has had many black pages, many sad pages, pages of treachery and broken promises, dehumanization, deculturization. I think I am well aware of that.

I can assure you that, as it has been said publicly, the director and curator of this museum will be of Indian blood. That is the highest position. We are not talking about an entry-level position.

Second, on the 500th anniversary, the people who are in charge looked upon this as an opportunity not to celebrate the discovery of Indians, but what Indians were already exhibiting and contributing to mankind at that time. This will be the first opportunity to do that.

Third, this committee, the one that I have the pleasure and honor of presiding over, is a relatively new one. Although many years ago we did have a powerful Indian affairs committee, this one was just revived 11 years ago. At that time, it was run by non-Indians. When I became chairman 27 months ago, in my little way I tried to make changes. I do not know if you are aware, but the staff director, which is not the entry-level man, but the top man, was selected by the elders and the leaders of Indian country. I did not select him. He is the great-great-grandson of Sitting Bull, an enrolled member of the Chippewa Cree. He is the top man, Alan Parker.

The number two person is the chief counsel in charge of the law. That person is the chief editor of the "American Indian Law Review," a Navajo who is sitting to my left here, Dr. Patricia Zell.

Most of the senior assistants on the committee are Indians. In fact, of 22 members of staff, 14 are Indians—not as cleaning people, but as top people. So we are making an attempt. It may be slow. We can not undo 150 years in 2 years, but we are trying, sir.

Mr. HILL. You might be able to if they hire Indians. We would like to do some cleaning up in the museum field, and we appreciate—the only reason I'm here is because there is an indication of movement ahead. But I think the real test will be as we develop in the museum, because that is where the real problems are.

The CHAIRMAN. That is why we called you as a witness. If we did not want to hear your views, we would not have called upon you, sir.

Mr. HILL. Well, you show great insight with that and I appreciate it.

The CHAIRMAN. Our next witness is Mr. George Horse Capture of the Buffalo Bill Historical Center of Cody, WY.

STATEMENT OF GEORGE HORSE CAPTURE, BUFFALO BILL HISTORICAL CENTER, CODY, WY

Mr. HORSE CAPTURE. I would like to thank the chairman and the committee for inviting me and the others here all the way from Indian country. I think that is a good sign. We came a long way for this.

I would like to briefly provide some of my background so that my testimony can be put into some kind of perspective. I am a Gros Ventre Indian born on the Fort Belknap Reservation in Montana. As a father, grandfather, veteran, holder of a bachelor's and master's degree, and a practitioner of tribal ceremonies, I have been a curator at the Plains Indian Museum of the Buffalo Bill Historical Center in Cody, WY, for the last 10 years.

As one of the first full-time, hard-money American Indian curators in the country, I am well aware of the many museum-related issues faced by our Indian community. As a curator, I have dealt with many of these issues with my museum on a first-hand basis. For example, in 1979 when the museum was completed, the Buffalo Bill Historical Center established an Indian advisory board from respected members of the tribes of the region to learn more about the Indian people, to seek their wisdom and counsel on display contents and philosophy, and other museum-related matters, and to learn how to work with the communities on mutually-beneficial projects. This relationship has grown over the years and works well to this day.

One of my first acts as a curator was to establish a sacred room. It was here that the religious items from the collection were placed together, removed from the other material to afford them respectability and seclusion. Access is limited to Indian religious practitioners, scholars, and fellow museum professionals.

Just 2 years ago, after a Tribal request and subsequent deliberations, a vital sacred object was returned to an Indian tribe to occupy its rightful place in their sacred arrow bundle. So we have experienced repatriation, as well.

We also experienced the joy of Indian celebrations, and probably are the only museum in the country that has its own special grounds for Indian celebrations and pow wows. So, thanks to our enlightened director and Board of Trustees, we have successfully experienced a number of situations that brings us ever closer to the Indian people.

Over the years—it seems like forever—we, in Indian country, have been hearing stories about the negative conditions at the Heye Foundation. We were also endeavoring to assist to establish some sort of effective Indian representation at the Smithsonian Institute. Recently, scrutiny has increased upon both of these cultural resource centers, and conditions indicate that great changes are to be made. That is why we are here today.

The idea of a National American Indian Museum is wonderful, and almost overwhelming. Historically, whenever Indian people came to Washington they left with less than what they had with them upon their arrival. Maybe this time it will be different.

Now that the Indian people are finally included in our national museums, we may have a long-term national mechanism that can teach the non-Indian world at least the most fundamental truth about the American Indian people—we are alive. Not only are we alive, but there are more of us now than there have ever been before, and our numbers are growing, and we are proud to be Indian.

We are composed of many different elements that make us what we are. This composition can come under the title of culture, and

includes our art, music, leaders, religious beliefs, philosophy, and most of these are quite different than any other group on Earth. As such, they set us apart and somehow seems to invite ridicule by the dominant society. Perhaps such a National American Indian Museum will develop great educational programs in its exhibits and outreach programs that will actively combat the growing racism as practiced in Indian country—from Montana to New York to Minnesota to Arizona and beyond.

As I read the latest literature on this bill—and I assume it hasn't changed since 1 week ago, at least not much—I could more clearly understand the many diverse aspects involved in fashioning an agreement between the two main parties, the Heye Foundation and the Smithsonian.

Tuesday the radio reported that these two parties signed the agreement to transfer the collection to the Smithsonian, thus confirming the agreement. I don't know if that news rendered my understanding of the situation more lucid or more confused.

Nonetheless, it is a great and wonderful action that is happening here, and time has shaped the material and the people to arrive at this stage.

In spite of the signed agreements, the journey is not yet complete, for in this situation the key personnel involved and how they are selected are crucial to its success. Indian people are very minimally represented at the Smithsonian and at the Heye Foundation, so this national American Indian Museum will be a showcase for the Indian world, and therefore must be structured in the proper manner.

The presentation of the museum should not be solely constructed or interpreted by people, both Indian and non-Indian, who live in New York or Washington, but should be shaped by those living in Indian country and have experienced the pains of racism and the joys of tribalism. These are fundamental elements that produce "Indianness," and they must forge the new museum, expressing the authentic views of Indian country.

It has often been said, with some justification, that Indian people are our own worst enemy. In striving for equality in our limited world, we often confront one another and neutralize effectiveness. Because of the importance of this situation, I sincerely hope that we can get together with one voice and deal with the personnel situation and obtain just representation.

To be the most effective, all activities with this museum should be as free from political influence as possible. The position of the director should be advertised nationwide and no selection should be made until the major candidates have been fairly interviewed, not only by the administrators involved, but perhaps by an independent outside board that somehow represents Indian country. This board should represent the community, which means including religious leaders, teachers, laborers, and all the rest, on some proportional basis. It should somehow represent all of our Indian community and not just a select few.

Rumors already abound that behind the scenes activities are already taking place toward selecting the director of the new museum—someone from Oklahoma it is said. If true, then the new

museum and its associated activities do not represent a new beginning, just a continuation of the old.

Instead of being an historian or an anthropologist with their allegiance elsewhere, the director should, of course, be an Indian, as should the majority of the other administrators and curators if the new museum is truly going to represent America Indians. In this museum, "American Indians" should be given first priority over the other disciplines.

Another level of representation lies with the trustees of the National Museum of the American Indian. I would suggest that the ex-officio membership, in addition to the Secretary of the Smithsonian, Secretary of the Interior, Director of the National Endowment for the Humanities, and the Librarian of the Library of Congress, include the Director of the National Endowments for the Arts, as well, because their assistance will be needed before too long.

So 24 members on the board is an adequate number for the sharing of many opinions and viewpoints. The 13 Indian members of this board must also be chosen with great care. They must be selected from the Indian community, at large, and not just because they always agree with the Smithsonian or the Heye Foundation, but because they reflect the opinions of the America Indian community.

This selection process, leading to the ultimate composition of the board, is critical to its success. If the regular, better-known Indian people are selected, success may be limited, as shown in the past here and in other places. We have plenty of people across Indian country who are well aware of their culture, history, and art, and have strong and well-thought-out positions on how they should be represented. Seek them out and listen to them.

Once again I say that in order to achieve the full potential of this new museum, the director and trustees must truly reflect the opinions of the living Indian world. Only then can the other subjects in this bill be dealt with effectively and meaningfully. These people and the task force can then fairly deal with the skeletal remains issue. This is a situation pressing upon the minds of the Indian people who are grieved that the bones of our grandmothers and ancestors are not only far away from home, but have never achieved the peacefulness of burial. They are, instead, handled and measured and drilled in the alleged quest of some future knowledge that will somehow assist the world who, in many cases, hastened their demise.

The new museum must speak for the real Indian community who, almost without exception, would like the bones of their ancestors reburied. Let them continue their journey into the earth and soil whence they came.

Who would have thought 10 years ago that the America Indian people would not only get one memorial, but two? I read an article in Tuesday's newspaper which reported that a private organization will build a memorial to the American Indian people at the Custer Battlefield. So, with this memorial, we will have two in 1 year. That is almost overwhelming, considering how many there are now. They are very long overdue.

Again, the administration of the new museum must have an acute awareness of how the Indian people see themselves, and not only how scholars or art historians see them. The Indian communities must have an opportunity and a voice to express their views in some manner concerning this memorial.

I do not think they would like a sculpture of an Indian on the hill peering into the sunset with the hands shading the eyes, or an Indian on the hill—it seems like we are always on the hill, except this one—on a tired old horse all drooped over. What type of a memorial will the Indian people ultimately want to represent them in the Nation's Capitol? None of us know, but we should take great pains to find out, and then finally give them their memorial. It will help our children.

Most of the standard responsibilities of such an institution as represented in the bill are commendable, as well as its structure, with various committees and the task force acting as representatives and safeguards. The idea of a permanent regional exhibition facility is a great one. It will not only decentralize the far-off national collections, but bring the material back into the Indian communities because all of our people cannot make the long trip to Washington to see these wonders. The package sounds very expensive.

The affiliation agreement between the Smithsonian and the Heye Foundation seems complex, and in some cases untenable. Apparently they have reached an agreement, so this may be a moot point.

In conclusion, S. 978 is a grand bill, and, if properly implemented, will have untold benefits in Indian Country and the world for centuries to come.

Thank you.

[Prepared statement of Mr. Horse Capture appears in appendix.]

The CHAIRMAN. I thank you very much, Mr. Horse Capture. Your words, I can assure you, will be, like the others, very seriously studied and considered.

In listening to your words and the words of others, there is a matter of curiosity: Why have you not changed the name of your museum from Buffalo Bill to Sitting Bull?

Mr. HORSE CAPTURE. Well, I'm not on the board of directors, for one thing, and Buffalo Bill was the historical figure who founded the town.

The CHAIRMAN. Do you not want an Indian name for an Indian museum?

Mr. HORSE CAPTURE. It is comprised of four elements, and one is the Plains Indian Museum, and there are four others all under that roof of the Buffalo Bill Historical Museum.

The CHAIRMAN. Well, I thought you wanted things to be Indian, and it just struck me as funny that you would have Buffalo Bill.

Mr. HORSE CAPTURE. My museum is the Plains Indian Museum.

The CHAIRMAN. I see.

Well, I thank you all very much. Your words are very important because, after all, you are what this is all about. This is not just a museum; it is a museum of our first citizens here, and we will do our best to carry out the import of your words and the intentions that you have tried to convey to us. I thank you very much.

Our last panel consists of the chief of the Onondaga Nation of the Iroquois Confederacy, the Honorable Oren Lyons; Dr. Helen Scheirbeck, development director of the North Carolina Indian Cultural Center of Pembroke, NC, who will be accompanied by Mr. Lonnie Revels, Sr., chairman of the North Carolina Commission on Indian Affairs; and Ms. Suzan Shown Harjo, executive director of the National Congress of American Indians.

May I call on you first, Chief Lyons.

STATEMENT OF HON. OREN LYONS, CHIEF, ONONDAGA NATION

Mr. LYONS. Thank you.

Senator Inouye and distinguished committee members, we have been scrambling the past few days to meet all of our commitments, and this one in particular because this is very dear to our hearts. We have been struggling for a long time on all of these issues.

I was pleased to note the comments of the Honorable Jeff Bingaman concerning the regional museum. We have made a special effort to emphasize this, as well. I would add to the comments of Senator Bingaman that special preference be first given to Native America museums and cultural centers that sorely need attention and support throughout the country.

The policy is most important, and we support this concept of the new museum, but add that the problems of repatriation of Native American national cultural treasures and patrimony should be clearly addressed and policy be clearly established before this transfer.

Throughout the country, there are thousands of Native American skeletal remains and bodies that should be returned. We would be sorely distressed if the institutions that have been at the center of this controversy of withholding our sacred materials from us would be the first to benefit from such allocations.

And, of course, I concur with the statements made here by almost all of the Indian speakers that the most important factor to consider is that the Native American people be in charge of the Native American museum. I was glad to hear your position on that.

It would be appropriate when this fresh wind is sweeping across museum country that this transfer occur.

The issue of repatriation of our dead is the most painful issue of all. This memorial to our people can only be that if our people are put to rest in a sacred way. I know that this has been at the heart of your efforts. Peace and tranquility can be obtained when our attitudes and values agree upon mutual respect, equal and free, without force of law.

Your sincere energy and leadership in that direction is what has inspired us to try again to dare to hope for this peace between our people. We have a special chief at Onondaga who holds promises, and he holds them in his hand. Any time people come with promises, he opens it up and says, "Okay, but another promise in there, we've got a lot of them in here." I don't think we need that chief today. He's not here, at any rate.

So we have prepared a short statement that we would like to begin on behalf of the Haudenosaunee.

The Haudenosaunee Six Nations Confederacy continues to make the same recommendations that we made in the previous testimony on the same issue.

We are apprehensive of what will occur to our cultural property currently in the collections of the Heye Foundation and the Smithsonian Institution. We have made numerous requests for the repatriation of our cultural patrimony with little success.

The recent return of 11 wampum belts from the Heye Foundation collection was the culmination of almost 100 years of effort on the parts of the chiefs of the Haudenosaunee.

On April 11 of this year we made a formal request to the Museum of the American Indian for the return of the sacred masks and wampum of the Haudenosaunee. We have attached this letter as part of our documentation to your committee. As of this moment, we have not had a reply.

In 1987, we made a similar request to the Smithsonian Institution and received a reply dated July 12, 1988. We were told—and I quote from the letter—

> Our information suggests that the Haudenosaunee Council of Chiefs at the Onondaga Nation, New York, is not the successor or official representative of the individuals or communities from whom these were acquired. Therefore, these materials would appear to fall outside of the scope of your request.

This was signed by Mr. Anderson, acting secretary.

This attitude is what makes us apprehensive of more of our cultural patrimony going into the hands of the Smithsonian. It is important for the committee members of this hearing to understand the intensity of feeling that Indian people have against museums who hold the bones of our ancestors and our national cultural treasures. These angry feelings of frustration are exacerbated by responses like the letter from the Smithsonian Institution.

It is obvious to us that we need law to protect our human and group rights.

In previous testimony, we said that we were concerned that the board of trustees reflect a majority of Native Americans, and we continue to maintain that position.

In previous testimony we said that having an American Indian museum in the great metropolitan and political centers of America made sense, and that a space in New York Museum for the American Indian Community House also made sense, and that one should complement the other. I noted that there was space to be had.

We also advocated a satellite program that would support museum programs out in Indian country that could also benefit from a rotating program. We know that major appropriations for these programs will be needed, and we would want to see Native people's needs be met in the far-flung regions of the United States.

Finally, we would want to see proper respect be paid to the contemporary indigenous peoples from whence these great collections came. We want this new idea to reflect not only the past, but the present and, most importantly, the future of Native American nations in this country.

Thank you very much.

[Prepared statement of Mr. Lyons appears in appendix.]

The CHAIRMAN. I thank you, Chief Lyons.

I have been assured—and I will tell you that I am satisfied—that at the present time sincere efforts are being made by the Smithsonian to repatriate and return the skeletal remains for proper burial in their place of origin. Unfortunately, as you are well aware, most of the remains have not been properly identified. The best they can do is to tell you the region they came from—from the plains, from North Carolina, or from Montana.

The Smithsonian is trying its best to carry out this identification process, which is a rather lengthy one. And I have been assured and I know that the process has already started and remains have already been returned to several areas.

So I think that at the appropriate time the Smithsonian will be submitting to us a report to indicate the progress it has made, but I can assure you, Chief Lyons, that it is an ongoing process, and that the effort is a sincere one.

As to the artifacts, that is a matter that you would have to work out with the museums involved, and I am happy that you were successful in your 11 wampum. It did take 100 years, but it paid off. Now this other one with the Smithsonian may take 100 years, I do not know. But if I am around, I will try to expedite it for you.

Our next witness is Dr. Helen Scheirbeck of North Carolina.

STATEMENT OF HELEN MAYNOR SCHEIRBECK, DEVELOPMENT DIRECTOR, NORTH CAROLINA INDIAN CULTURAL CENTER, ACCOMPANIED BY LONNIE REVELS, SR., CHAIRMAN, NORTH CAROLINA COMMISSION ON INDIAN AFFAIRS, PEMBROKE, NC

Mrs. SCHEIRBECK. Good morning, Mr. Chairman.

Let me say that we are happy to be here from North Carolina representing the North Carolina Indian Cultural Center. Members of our board comprise all of the tribes in North Carolina.

We find this to be a wonderful day because of the consummation of the agreement and your unswerving determination to make this happen, and that of your staff. So let me add my voice and the voice of my board to other members who have thanked you this morning, and express our deep appreciation for the work of you and this subcommittee.

Of course, as you have heard from the Indian witnesses this morning, this is a beginning—and a very important beginning, I think, that could revolutionize the relationship between American Indian peoples and other Americans in this Nation.

The revolution is contingent, of course, on the comments you have already heard—and I will not repeat them—the importance of Indian viewpoints in policy, which you have assured us about, we have stressed in our testimony the importance of the majority of Indians being on the board of trustees for the national museum.

We were very pleased to see a broad definition of Indian in this bill, because, as you know, in North Carolina we have a number of tribes that are State recognized, and we are pleased to see that they will be able to participate as full partners in this effort.

We are also, as Chief Lyons is, concerned about the skeletal remains of our ancestors, and we appreciate very much the work of the committee. We realize that it is not finished and there is still much to be done. In our cultural center we have provided a place

for those remains, so should those remains for North Carolina be expedited, there will be a place at the North Carolina Indian Cultural Center for them.

I was trying to think of the best way to present this testimony this morning. I certainly would like all of it put in the record.

The CHAIRMAN. It will be.

Mrs. SCHEIRBECK. But I have decided I'd like to tell you a story, if I may.

I was a young graduate student in 1957. I had come from a rural Indian community in North Carolina. At that time, we had not had many relationship with our other Indian brothers and sisters across the Nation.

I went to Berea College in Kentucky—a wonderful school. From there I received a scholarship to Columbia University in New York City.

When I arrived in New York City I learned there was a place called the Museum of the American Indian, the Heye Foundation. I took the subway one day and went to that marvelous place and learned that there are many, many things about North Carolina Indians, about Indians all over this continent there.

About 1 month later I had heard there were many warehouses on Long Island which had much of that collection in it. I was privileged to get to visit those warehouses. And I thought to myself then, being 18, what a wonderful thing it would be if this collection could be shared with American Indians all over this continent.

So I am especially pleased today to support this bill and to thank you for making the collection and the Smithsonian effort a real possibility so that truly our people will not have to go, as we did for the Virginia Indians, to the University of Indiana to find Virginia archives, but we will be able to have, beginning here in this city at the hub of America's Government, a beginning for America's heart all over the Nation to begin appreciating, learning, and accepting Indian people, their culture, their heritage, our wonderful history. We will be able to start that acceptance here.

But I would encourage you to look closely at the affiliate sections, as Senator Bingaman said this morning. We would hope that section would remain firmly in this bill, and then, as the first phase of the development occurs, expand that section so that cultural centers like ours in North Carolina, cultural centers in New Mexico and New York where Chief Lyons is from, so that we can participate as full partners in this endeavor so that we may really bring that heritage and legacy to our own people and to the American public in our areas. That will do more, I think, to erase the racism you have heard about this morning, to make sure that my grandchild which will be here in October learns about his or her heritage in a very positive way, and certainly all the children in America, no matter what their race, start out loving Indian people and their heritage and their culture.

This effort, I think, both the museums in New York, in Washington, and certainly if you can have an expanded affiliate section, will help us get this Nation firmly committed to understanding, to sharing, and to building a stronger relationship with Indian people.

So I would like to just end by saying I thank you very much for the effort. It is an important beginning. We are pledged to work with you in North Carolina.

Thank you.

[Prepared statement of Ms. Scheirbeck appears in appendix.]

The CHAIRMAN. Thank you. I can assure you that if I have anything to say, this museum will present to your grandchildren a positive picture of the Indian. It will tell your grandchild that the Confederacy of Iroquois Nations served as the model for our Founding Fathers in establishing our Constitutional form of government. It will also demonstrate to your grandchild that if it were not for the Indians, George Washington and his troops would have starved to death at Valley Forge.

Mrs. SCHEIRBECK. Senator, I would just like to make sure that my full statement is entered into the record, as well as some material I have provided.

The CHAIRMAN. I can assure you that.

Mrs. SCHEIRBECK. Thank you.

The CHAIRMAN. It will be a positive demonstration of Indians. It will also demonstrate that scalping is not part of Indian culture.

May I now call on Mr. Revels.

Mr. REVELS. Good morning, Mr. Chairman.

I would like to say, too, on behalf of my board at the Commission on North Carolina Indian Affairs that we would like to thank you for your efforts on behalf of Native Americans.

I am happy to be here today to speak in favor of this proposed legislation to create and operate a National Museum of the American Indian within the Smithsonian Institution.

By way of introduction, I am Lonnie Revels, a Lumbee Indian from Greensboro, NC, and chairman of the State Commission on Indian Affairs, which represents all 65,000 American Indians living in our great State.

We feel the creation of this museum will correct a long-standing deficiency in promoting the rich history, culture, and traditions of America's first citizens.

While much is being done in some States, reservations, and communities, such as the development of the North Carolina Indian Cultural Center at Pembroke and other tribal cultural centers around the country, there is much which remains to be done.

This national effort will support and enhance these local projects. The concept of locating the American Indian Museum within the Smithsonian Institution complex on the National Mall will make it available to the millions of visitors to the Capitol each year who have been denied the opportunity to appreciate the rich legacy of the American Indians, Alaska Natives, and Native Hawaiians.

We are especially pleased with the proposed creation of the museum affiliation of the national museum which will bring the benefits closer to the people of this country. These affiliates will facilitate the collection of and display of artifacts and objects and increase the number of viewers since many people do not have the opportunity to travel to Washington.

We also support the traveling representative exhibits to schools, museums, and local communities to stress the rich cultural legacy

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of Native Americans. We have done some of that in our State, and I can say from personal experience that interest is enthusiastic, but we need the materials and support that will be provided by this museum and its affiliates.

We would like to request consideration be given to increasing the numbers of Native Americans on the board of trustees. Since this body will have primary responsibility for the development and operation of a facility dealing with our history, culture, and legacy, what better group of people to decide on what and how to accomplish this than the Native American people, themselves? The criteria has been addressed in previous testimony by other members of the Native American community, and we support that criteria for membership.

We would also like to recommend that Indian preference policies in employment be adopted for the operation of the museum and its affiliates. We hope that when this board of trustees is constituted, that Eastern Native Americans will not be overlooked, as they have been in some instances in the past. Few people realize that North Carolina has the largest Native American population east of the Mississippi.

In summary, I would urge support of this bill. This educational and cultural effort to honor America's Native people is long overdue.

I think, Senator, what you have heard here from Native Americans today is the plea to be involved. Let us be involved in the process. Historically, the Indians of this country have had a better relationship with the Federal Government than local government. If you let us be involved in this endeavor, you will set an example for the state and local communities to follow by letting us participate in this process.

Again, thanks for this opportunity to address the committee. I would be happy to respond to any questions.

[Prepared statement of Mr. Revels appears in appendix.]

The CHAIRMAN. I thank you very much, sir.

Ms. Harjo, may I call upon you now?

STATEMENT OF SUZAN SHOWN HARJO, EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS, WASHINGTON, DC

Ms. HARJO. Thank you, Senator Inouye. I want to join others who have expressed appreciation to all who have worked so diligently and for so long a time, and to you, personally, for the cultivation of this garden that has produced this lovely bouquet that we all enjoy today.

I do, however, wish to join the other Indian spokespersons in pulling out these stubborn weeds. I note that in the Smithsonian's testimony, on page 6, two statements. There is one weed in the second paragraph: "I do not think it appropriate to mandate the specific inclusion of any group or groups of people in any number, because doing so automatically requires the exclusion of others. Furthermore, we are advised by the Department of Justice that this provision may establish an unconstitutional racial classification." The other statement: "I cannot, in good conscience, undertake a massive fund-raising program that must be broadly-based if

it is perceived that the museum is owned by or for the benefit of a narrow segment of our population."

This Smithsonian Institution has many very fine products and people. We all have good friends in the Smithsonian and we look forward to a day when everyone in the Smithsonian might be a good friend. Today, it exists as the last bastion of white privilege among all the Federal bureaucracies.

It is part of the Federal bureaucracies pattern of separating us, as Indian people, from our resources, whether they be natural resources or our sacred objects, and, of course, even from our ancestors—some 19,000 of them.

We understand why the Smithsonian is resistant to the full involvement of Indian people and to having that put in the law very clearly. We take exception, of course, to the Smithsonian and Justice Department interpretation of that law as a racial classification.

Treaties form the basis of the nation-to-nation relationship between Indian nations and the U.S. Government. Federal Indian law is founded in this political relationship, and Indian status, under Federal law, with the exception of some social programs and specific other Federal laws, derives from our political status, not our racial status. That is, because we are citizens, as you know, Senator Inouye, of our Indian nations, we are considered Indians under Federal Indian law.

The U.S. Supreme Court in 1974 affirmed this longstanding Federal Indian law principle that it is our political status, not our racial status, that sets us apart.

In 1934, the Indian Reorganization Act established preference in hiring, training, promotion, and other considerations in the Federal Indian Service. When the Indian Health Service moved from the Bureau of Indian Affairs in the late 1950s, it did not apply Indian preference because it considered the Federal Indian Service to be only the Bureau of Indian Affairs. The Indian Health Service and the Justice view did not prevail in litigation on this point in the 1970s in the *Tyndall* v. *United States* case.

Time after time, arguments are made before the Supreme Court that Indians are "super citizens" and that our rights exclude non-Indians or interfere with their constitutional rights. And time and time again, the Supreme Court has said Indian rights do not interfere with the duly constitutional rights of other peoples, they are simply different. They are different because we are the indigenous peoples, we are the first sovereignties of this red quarter of Mother Earth. We do lay claim to our Indian national patrimony, our Indian cultural patrimony, our Indian religious items, and, most importantly, the duty of care that we owe to our ancestors.

The Smithsonian must come into this century and observe the longstanding United States commitments and promises of the last century and the century before.

If we are not permitted to go into the big house and take a seat at the table, without the Congressional stamp of approval and mandate for that to happen, then it will not happen. We have been through these things before. You can see the absence of Indian people on lands policy committees and advisory boards throughout the Federal bureaucracy, despite promises to the contrary.

It is not that we disbelieve the good intentions of Secretary Adams and his promises; it is simply that we have historic inhibition about what happens between the heart and the hand.

We thank you so much for what you are doing to assure Indian involvement, Native peoples' involvement, throughout all aspects of this great endeavor.

As for the transition, I'm glad that my Cheyenne brother, Rick West, is going to be involved in that to the highest degree, as I understand, as a co-equal with the very fine non-Indian gentleman who is also a consultant on transition. I hope that more and more Indian people are involved in that transition.

In all aspects of fund-raising, design—I hope we have an Indian architect for the design—in all aspects of planning, government, administration, if we are not involved at the outset, we will be left out in the end and we will be in other forums where these matters are more contentiously played out.

All of the Indian people who have spoken here today have been, as usual, extremely polite and caring and sharing, and this is the way we lost the western hemisphere. We do not intend to lose this particular battle.

Thank you very much.

The CHAIRMAN. I thank you very much, Ms. Harjo.

As you know, I have long contended that the treaties that the U.S. Government entered into with the various Indian nations and tribes, together with the Constitution of the United States, formed the basis of our government-to-government relationship with Indian tribes and nations. This, in turn, brings about the judicial interpretation that Indians are not to be considered a race, but a political entity.

It was on that basis that I approved the inclusion of language in this bill that would call upon Indian membership on the various boards.

Do you agree with me that the so-called Constitutional problem connected with racial preference if Indians are legislatively mandated to be seated on these boards is not a problem?

Ms. HARJO. I can't imagine who in the Justice Department said that it was a problem—and maybe they just haven't gone back to the 1970s or noticed that that is still standing law that it is not a problem. It certainly does not present a Constitutional problem. I think if this relationship, which is nation-to-nation, is based on treaties, then the Constitution is very clear on that point, saying that the treaties shall be the "Supreme Law of the Land. And perhaps the person who discussed this with the Smithsonian in the Justice Department just hadn't gotten that far back.

The CHAIRMAN. I will assure one and all that I will have the best legal minds look into this, because I want to make certain that every provision in this bill is appropriate and correct, and if there is a Constitutional problem, then so be it, but I personally doubt that there is a Constitutional prohibition.

I want to thank all of you who have participated in this morning's hearing, and in this moment of euphoria I hope that you will not forget that this is just one important step. There are many other steps to be taken.

For example, next week we are scheduled to have what we call mark-ups and I feel confident that at that time both committees will report out the measure to the full Senate. I also feel certain that the full Senate will, after due debate and consideration, pass this measure. But it will still have to go to the House, and there we are pleased to know that Congressman Ben Nighthorse Campbell will be the manager and chief sponsor of the measure. It will be, I presume, a bill similar to the one that we are considering here today.

And after the House considers this it will have to go into conference, and I am certain that, from past experience, the conference should not be too contentious.

Then it will have to go to the President and be signed.

After that, there are other steps. This is an authorization bill. You need money. That will just provide the Federal portion of the money.

I hope that all of us realize that this is a national endeavor, not an endeavor of one Indian nation or group of Indian nations. The public sector will be looked upon for revenue and money, just like we expect the city of New York and the State of New York to contribute the promised sums of money. So there is much to do.

After all of this is done, we will still have the design stage, the engineering stage. So ribbon-cutting time is far off, and if we do not take these steps carefully we may not come to the ribbon-cutting stage, and it would be a tragedy.

So I can assure you that I will very carefully do my best to manage this bill to its ultimate fruition, and that would be the time that all of you will be cutting the ribbon. I hope I am around here at that time to witness that great event. If the people of Hawaii continue to send me back, I will be around.

With that, I wish all of us good fortune in the steps that we will follow. I feel confident that the Senate will once again repeat itself and pass upon this measure. But I just wanted to bring this up to tell you that there are many other steps to be taken.

Before adjourning, we have exchanged accolades and bouquets that all of us played major roles in this. I think I would be remiss if I didn't point out that there is one person who very faithfully and very patiently and very tenaciously continued this process for the past 2 years, and if any person is to take any credit it should be Patricia Zell. [Applause.]

And on that happy note, this hearing is adjourned.

[Whereupon, at 12:14 p.m., the committees were adjourned, to reconvene at the call of their respective Chairs.]

APPENDIX

Additional Material Submitted for the Record

S T A T E M E N T

BY

ROBERT McCORMICK ADAMS

SECRETARY

SMITHSONIAN INSTITUTION

BEFORE THE

COMMITTEE ON RULES AND ADMINISTRATION

AND THE

SELECT COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

WASHINGTON, D.C.

MAY 12, 1989

Good morning, Mr. Chairman.

As you may well imagine, this is a day to which I have long looked forward. I am more pleased than I can say to testify on your proposed legislation which includes the legislative requirements of the Memorandum of Understanding between the Smithsonian Institution and the Museum of the American Indian, Heye Foundation. That agreement, as you know, was approved by the Smithsonian's Board of Regents at their meeting in the morning of Monday, May 8, and signed by me on their behalf later in the day.

The essence of the agreement is its provision for the transfer of the collections and other property of the Heye Foundation to the Smithsonian. The transfer is conditional on approval of the agreement by the courts in New York, enactment of legislation authorizing establishment and construction of the National Museum of the American Indian; and the availability of an initial increment of appropriations for purposes of the new museum. I would respectfully request that the agreement, copies of which have been made available to the Committees, be made a part of the record.

We expect that the activities of the museum to be established by the legislation will be housed in three structures. On the Mall, just to the east of the National Air and Space Museum, will be its primary public facility, which is likely to include exhibition galleries, office and meeting spaces, reference and collections areas, and visitor services such as an auditorium and museum shops.

We also will construct an addition to our Museum Support Center in Suitland, Maryland. At that site objects in the collection not being used for exhibit purposes will be stored in a highly protective environment where they will be available for research and undergo conservation treatment as necessary.

Because of legal and historic ties of the Heye Foundation collections to New York, we plan to reconstruct for museum purposes and maintain a museum facility on the street-level floor of the old United States Custom House at the tip of lower Manhattan. In addition to exhibitions, that facility, which will be named for the founder of the Heye Foundation collections, will include visitor amenities such as restrooms and a museum shop, together with space for education and related public services that might include collection information, computers with learning programs, and, in time, video displays of objects. In addition, as the General Services Administration completes its refurbishment of other space in the Custom House, an auditorium will be constructed and made available for museum programs. We have developed a concept paper for use of space in the Custom House, and would ask, too, that it be made part of the record.

Because of uncertainties surrounding the agreement and the negotiations that led to it, the Smithsonian has not been in a position to do the kind of preliminary planning we normally would have for an undertaking of this magnitude. As a result, we have many questions, as do you, but few answers, particularly with respect to estimates of the costs that the project will entail. It is fair to say that they will not be inconsequential.

Construction costs of the museum facilities are likely to be on the order of $175 million. Once the facilities are in full operation, annual expenses are likely to be in the $25 million range. In addition, we anticipate one-time costs in the tens of millions of dollars for taking over the collections and transferring them to the Support Center, for equipping the buildings, and for constructing the exhibits that will draw the public to them.

These costs, of course, must be weighed in the light of the extraordinary opportunity - indeed, obligation - that is now available: to preserve a collection of monumental significance, make it more accessible to the public than it ever has been, and to share it fully with those whose ancestors created the objects within it. In establishing the museum, there is, as well, the opportunity to have present at its creation and in its development those whose cultures it describes.

The proposed legislation includes authority for the appropriation of $16,000,000 for Fiscal Year 1990. This is consistent with the Memorandum of Understanding, implementation of which is, as I stated previously, dependent, among other issues, on the flow of appropriations.

We have estimated operating costs associated with the new museum in the coming fiscal year at $6 million. The funds would be used for overall project planning, coordination, and administration, which includes establishing the initial board of trustees ($1.2 million); care and custody of the collection, together with related maintenance and security costs ($3.5

million); and the transfer to the Smithsonian of current staff of the Museum of the American Indian, Heye Foundation, as is provided for in the agreement and in the bill ($1.3 million).

While our current construction estimate of $175 million is not based on detailed planning, we believe that construction planning and initial design costs for Fiscal Year 1990 will be $9 million. These funds will be applied to planning and design of all of the proposed facilities. A year from now we should be able to provide far more reliable estimates of both construction and operating costs. At the same time, we also should be able to provide descriptive material on the museum's program and, perhaps, sketches of some of its physical aspects.

We are acutely conscious of the current budgetary climate and of the overall uncertainties inherent in it. To ameliorate the impact of this project on future budgets, I am prepared, with one proviso, to raise from non-Federal sources substantial sums of money for construction of the museum building on the Mall and for the refurbishment of the Custom House space in New York. Because the planning process has not gone forward, and the information derived from it is essential to a successful fund-raising campaign, I cannot now suggest either an amount or a percentage of total funds that might be raised. I do have in hand, however, letters from Governor Cuomo and Mayor Koch wherein each has committed to provide one-third, or not more than $8 million, toward the costs of constructing space for the museum in the New York Custom House.

The remaining $1 million authorized in the legislation is for identification of geographic and tribal origins of the skeletal remains of American Indians and Alaska Natives in existing Smithsonian collections. I need not here outline the complexities and the issues surrounding those remains. However, the prospective appropriation is welcome because, if there is to be any clarification of the complexities and resolution of the issues, we must have the most accurate identification possible.

While the Institution has been making an effort within existing resources to identify the geographic and tribal origins of the remains, that effort has not proceeded rapidly because those resources have been limited. The availability of $1 million a year for three years will enable us to hire additional people and to accelerate the identification process to a very major extent.

While we are heartened by many provisions of the proposed bill, we must register objections to others. Primary among these is the requirement that the Board of Regents consult with the Board of Trustees of the new museum on the matter of skeletal remains. The collections at issue are under the purview of an entirely separate museum. While individual trustees may be consulted in a personal capacity, the requirement for consultation with the board as a body is not appropriate.

Another significant objection is to the requirement in Section 5 (c)(1)(B) that seven members of the Board of Trustees must be of Native American ancestry, extended in Section 5 (c)(2)(B) to 12 members of the successor Trustees. Our agreement

with the Museum of the American Indian, Heye Foundation, which must be approved by the courts in New York, includes no comparable requirement, although it clearly contemplates that American Indians and Alaska Natives will be members of the board.

I have heard you speak eloquently of the sense of Indian ownership of the museum, and am respectful of that. However, we are creating a public institution, a national museum that will draw on the resources of the national government and of many individual citizens. I do not think it appropriate to mandate the specific inclusion of any group or groups of people in any number because doing so automatically requires the exclusion of others. Furthermore, we are advised by the Department of Justice that this provision may establish an unconstitutional racial classification. The Department may also share with you additional constitutional concerns.

As Secretary of an Institution dedicated to the increase and diffusion of knowledge among all people, I cannot in good conscience undertake a massive fund-raising program that must be broadly-based if it is perceived that the museum is "owned" by or for the benefit of a narrow segment of our population. I must ask that these specific requirements for representation be eliminated; in so doing I offer my personal commitment to ensuring that substantial numbers of American Indians and Alaska Natives are among the trustees whose talents and perspectives are essential to the success of the museum.

You may also wish to consider eliminating Section 5 (b)(8) Inasmuch as the immediately preceding subsection requires the

Board of Trustees to report annually to the Board of Regents, it would seem neither necessary nor appropriate for them to report independently to the Congress. Their activities will be included in the Institution's annual report to the Congress (20 U.S.C. 49, 58). Furthermore, detailed financial information on Smithsonian museums is provided to the Institution's authorizing and appropriations committees as part of our annual budget request.

Previous drafts of the legislation included the Secretary of the Interior on the Board of Trustees. While we are glad to note that the current legislation incorporates a milder provision, we believe that it continues to suggest a relationship that does not exist.

We also would object to the Section 8 relating to affiliated museums. Not only are such arrangements likely to entail substantial costs to the Institution, but they also tend to be exclusionary.

Currently we are affiliated with every museum in the country. We regularly loan objects, share exhibits and information, sponsor a series of training programs, and provide technical assistance of various kinds, and do so without the conflict of authorities that is inherent in the proposed requirement for advisory councils.

As you well know, I am deeply committed to sharing the resources of the new museum with the communities whose culture they reflect. There are approximately 375 American Indian museums and museums that collect American Indian materials in the United States; Section 8 could limit our relationships to seven.

Section 10 of the proposed legislation includes a requirement that the museum collections be exhibited free of charge. Although Smithsonian museums here in Washington are, indeed, free, museums in New York, including the Smithsonian's Cooper-Hewitt, traditionally have charged admission fees.

At the present time, we do not know whether or not it will be necessary or appropriate to charge a fee for admission to the Custom House facility. Thus, we would suggest that a period follow the word "Regents" in that section, and all that follows be striken in order to provide the flexibility to make the decision on admissions in the future. We are advised that agencies of the Government may be in touch with the Committees about other concerns in Section 10.

Finally, Mr. Chairman, I would suggest that in order to honor your legislative prerogatives and keep you informed of our planning progress and estimates, while, at the same time, engrossing my fund-raising pledge and enabling us to proceed under the agreement, I would propose that the following language be added to any bill that may be adopted:

> "No funds may be appropriated for the purpose of construction of the museum facilities authorized by this Act until the Smithsonian Institution provides to Congress and the Administration an analysis of the total estimated cost of construction and a cost-sharing plan projecting amounts for Federal appropriations and for non-Federal contributions."

A project of the magnitude of the proposed National Museum of the American Indian requires ideas from many sources. We are proceeding with the extensive consultation that must, of necessity, be integral to the processes of program planning,

design development, and management of the transfer of the Heye Foundation collections transfer to the Institution. In addition to utilizing the excellent staff in place at the Smithsonian and at the existing museum in New York, we also will be seeking the views of the larger museum community, American Indian scholars and other professionals, and, of course, the tribal leadership.

The sequence of planning, design, and construction of new buildings is one familiar to many. However, in this instance it is one that is distinguished by the opportunity presented and challenged by the thoughtfulness that its execution demands. Creating museum buildings that will reflect and serve not only the history, but also the contemporary culture of those who originally occupied and shaped the lands within this hemisphere socially, biologically, and politically requires considerations and analyses that have no analogy in the establishment of art museums, theme parks, or university structures. Thus, the consultative process and the bringing together of a variety of views are also essential to delineating the physical qualities of the new national museum.

Paralleling design development and program planning is the third task, the transfer of the Heye Foundation collections which include approximately a million items accompanied by about 300,000 records. A record is the documentary means by which a museum controls an item or a particular group of items in its collections; it may refer to a single mask or totem pole, as well as an entire ceremonial costume or a box of pot shards.

The Smithsonian's taking title to the collection is, in essence, a legal step. Physically doing so will subject the objects, as well as the records, to nine processes that have been identified as basic to the overall management of collections: object tracking, cleaning, stabilizing, insuring, packing, transporting, unpacking, fumigating, and photographing. Our responsibility for the collections also will require in situ security, as well as appropriate environments in which to pursue the collections management processes.

Most important, however, is gaining intellectual control of the collections. While many of us have visited the museum in New York and have seen a number of objects in the collections, thorough examination of them and their accompanying documentation by curators and other scholars is essential to a fuller appreciation of the objects and of their potential utilization for research and exhibit purposes. Clearly, the museum staff that has had responsibility for them is a significant resource for sharing and expanding knowledge of the collections.

Mr. Chairman, we have much to do. We also recognize that we do not fully know just how much we will have to do. One thing is certain, however, and that is that as we proceed we must be mindful of the range of interests, including those of the Congress, the Administration, and the American Indian community, and be responsive to them.

In addition, we must mobilize quickly the enthusiasm for the museum that is present and rising in many quarters if we are to achieve its objectives and be successful in raising the funds

that will assist in making it a reality. Enactment of legislation, with the key changes I have outlined, and the provision of the funds authorized, are the essential next steps in that process.

I would be glad at this point, Mr. Chairman, to try to respond to any questions that you and other Members of the Committees may have about the museum.

MEMORANDUM OF UNDERSTANDING BETWEEN THE MUSEUM OF THE AMERICAN INDIAN, HEYE FOUNDATION AND THE SMITHSONIAN INSTITUTION

WHEREAS the Museum of the American Indian, Heye Foundation (hereinafter referred to as the "Heye Foundation") was established pursuant to a trust indenture executed in the State of New York in 1916, which indenture defined the Foundation's purposes substantially as follows:

(1) to collect, preserve, study, and exhibit all things connected with the anthropology of the indigenous people of North, South, and Central America, including objects of artistic, historic, literary, and scientific interest;

(2) to advance the study of anthropology, particularly in connection with that of the indigenous peoples of the Americas, and the study of their languages, literature, history, art, and life; and

(3) to promote public welfare by actively advancing learning and providing means for carrying on such work in the State of New York; and

WHEREAS the Heye Foundation has an unrivaled assemblage of American Indian objects from all portions of

the Western Hemisphere that constitutes an unparalleled resource for research and education; and

WHEREAS the financial resources of the Heye Foundation are at present insufficient to carry out the purposes for which it was established or to care adequately for the collections with which it is entrusted; and

WHEREAS diligent and strenuous effort by the Trustees and the staff of the Heye Foundation has obtained no satisfactory site in the State of New York in which to house and display the collections of the Heye Foundation and otherwise to carry out the purposes for which it was created; and

WHEREAS the Smithsonian Institution (hereinafter referred to as the "Institution") is an establishment created for the increase and diffusion of knowledge and exists under and by virtue of an Act of the Congress of the United States of America, approved August 10, 1846; and

WHEREAS Public law 94-74, approved August 8, 1975, reserved to the Institution a site near the base of Capitol Hill on the National Mall in Washington, D.C. for its future public uses; and

WHEREAS the Institution historically has engaged in and been committed to the advancement of the study of anthropology, particularly in connection with that of

indigenous people of North, South, and Central America, including objects of artistic, historic, literary, and scientific interest;

B. to advance the study of anthropology, particularly in connection with that of the indigenous peoples of the Americas, and the study of their languages, literature, history, art, and life;

C. to advance programs of research and study; and

D. to provide means for carrying on this work in the District of Columbia, the State of New York and elsewhere as may be appropriate.

Second. The transfer by the Heye Foundation and the obligation of the Institution to proceed as contemplated herein are conditioned on:

A. the Board of Trustees of the Heye Foundation receiving final approval from the courts of New York to carry out such transfer on terms and conditions which if different than those set forth herein shall have been agreed to in writing by the Institution and

B. the Congress of the United States adopting and the President of the United States approving legislation to the following effect:

(1) There is established within the Institution the National Museum of the American Indian (hereinafter

referred to as the "Museum"), the nature, objects, and purposes of which shall be

(a) to collect, preserve, study, and exhibit all things connected with the anthropology of the indigenous people of North, South, and Central America, including objects of artistic, historic, literary, and scientific interest;

(b) to advance the study of anthropology, particularly in connection with that of the indigenous peoples of the Americas, and the study of their languages, literature, history, art, and life;

(c) to advance programs of research and study; and

(d) to provide means for carrying on this work in the District of Columbia, the State of New York, and elsewhere as may be appropriate.

(2) The area bounded by Third Street, Maryland Avenue, Independence Avenue, Fourth Street, and Jefferson Drive in the District of Columbia is appropriated to the Institution as the permanent site of a building for the Museum.

(3) A significant facility for the Museum consisting of approximately 82,500 square feet, including space shared with the General Services Administration shall be established in the Old United States Custom House at 1

Bowling Green in the City of New York. This facility shall be designated "The George Gustav Heye Center of the National Museum of the American Indian".

(4) A facility for the conservation and storage of the collections of the Museum shall be established at the Museum Support Center of the Institution.

(5) The Board of Regents of the Institution shall be duly authorized to prepare architectural and engineering designs, plans, and specifications and to construct or otherwise acquire the Museum facilities described in subparagraphs (2), (3) and (4) hereof together aggregating not less than 400,000 square feet.

(6) The faith of the United States is pledged that the United States shall provide such funds as may be necessary for the design, construction, administration, maintenance, operation, and preservation of the Museum facilities described in subparagraphs (2), (3) and (4) hereof and for the exhibition and preservation of the Museum collections.

(7) There shall be established within the Institution a board of trustees to be known as the Board of Trustees of the National Museum of the American Indian (hereinafter referred to as the "Board of Trustees") which shall recommend annual operating budgets and provide advice and assistance to the Board of Regents of the Institution on

all matters relating to the administration, maintenance, operation, and preservation of the Museum. Subject to general policy established by the Board of Regents of the Institution, the Board of Trustees shall have sole authority to

(a) loan, exchange, sell, or otherwise dispose of any part of the Museum's collections, provided that funds generated by any disposition shall be used only for acquisitions for the Museum's collections or additions to the Museum's endowment;

(b) subject to availability of funds and provisions of annual budgets of the Museum, purchase, accept, borrow, or otherwise acquire artifacts and other property for addition to the Museum's collections; and

(c) establish policy with respect to the utilization of the Museum's collections;

and shall have authority to

(d) establish policy with respect to the restoration, preservation, and maintenance of the Museum's collections;

(e) raise funds for the Museum and determine the purposes to which those funds shall be applied;

(f) approve expenditures from the Museum's endowment or income generated therefrom for any

purpose of the Museum; and

(g) consult with and advise the Director of the Museum on annual budgets to be recommended to the Board of Regents and otherwise consult with, advise, and support the Director in the operation of the Museum.

The Board of Trustees shall designate a chairman from among its members; adopt bylaws to carry out its functions; and report annually to the Board of Regents on matters within its discretion.

(8) The initial Board of Trustees shall be composed of twenty-five members as follows: (a) the Secretary of the Institution and an Assistant Secretary, who shall serve as ex officio members; (b) fifteen members of the Board of Trustees of the Heye Foundation; and (c) eight other members appointed by the Board of Regents. Those members serving under clauses (b) and (c) shall serve a three-year term. Successors to those members of the Board of Trustees serving under clauses (b) and (c) shall be appointed by the Board of Regents from a slate nominated by the Board of Trustees which shall include in its nominations American Indians and Alaska Natives and scholars in the fields of American Indian history and culture. Following the expiration of the terms of members serving under clauses (b) and (c) the terms of successor members of the Board of

Trustees shall be designated by the Board of Regents at the time of appointment on nomination by the Board of Trustees and shall expire one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. A majority of the members of the Board of Trustees shall constitute a quorum, and any vacancy shall not affect its power to function. Members of the Board of Trustees may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(9) All of the employees of the Heye Foundation at the time of the transfer of its collections, endowment and other property to the Institution shall be offered employment by the Institution under its usual terms of employment and may be appointed without regard to the provisions of title 5 of the United States Code, governing appointments in the competitive service, and Chapter 51 and subchapter III of Chapter 53 of title 5 of the United States Code. The Secretary of the Institution may appoint and fix the compensation and duties of the Director of the Museum and of such other officers and employees as may be necessary for the efficient administration, maintenance, operation, and

preservation of the Museum. The Director and two other employees may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, and Chapter 51 and subchapter III of Chapter 53 of title 5 of the United States Code.

(10) There is authorized to be appropriated to the Institution such sums as may be necessary to carry out the purposes of this legislation, including without limitation during the period prior to the availability of the new facilities, funds for initial administrative and planning expenses, for the care and custody of the collection, and to permit the orderly progress of the work.

Third. The obligation of the Institution to proceed as provided herein is further conditioned on:

A. Receipt by the Institution of a letter from the Attorney General of the State of New York in which he agrees that the Institution, the Board of Regents, and each of the Regents is not liable or responsible for the acts and/or omissions, if any, of the Board of Trustees of the Heye Foundation prior to the transfer referenced in Article Fourth hereof and that the Institution, the Board of Regents and each of them have no responsibility to investigate or otherwise look into the proceedings of said Board of Trustees prior to said transfer and

B. Receipt by the Institution from the Heye Foundation of financial and other data which shall establish to the satisfaction of the Institution that the realizable value of the assets of the Heye Foundation to be transferred hereunder, exclusive of the collections, exceeds its liabilities.

Fourth. Not later than the ninetieth day following satisfaction of the conditions expressed in Articles Second and Third hereof and the provision of appropriations contemplated in Article Second B. hereof or at such time or times as may be agreed upon between the Heye Foundation and the Institution,

(A) the Board of Trustees shall be constituted and

(B) title to the collections listed in the schedules attached hereto, the endowment, and all other property of the Heye Foundation other than its interest in Audubon Terrace shall pass to the Institution for the benefit of the Museum. The Heye Foundation collections shall not be merged with those of the Institution and their identity shall be permanently preserved. Objects selected for display shall be of the highest quality and chosen with the purpose of ensuring the success of exhibitions in the State of New York and in the District of Columbia.

The Institution shall have the right to use the existing facilities of the Heye Foundation for purposes of

the Museum without payment of rent, but subject to the payment of maintenance costs until the facilities described in subparagraphs (2), (3), and (4) of Article Second B. are available and the collections shall have been transferred thereto.

Fifth. Upon satisfaction of the conditions expressed in Articles Second and Third hereof and provision of the appropriations contemplated in Article Second B. hereof, the Secretary of the Institution shall initiate planning for and design of the museum facilities described in subparagraphs (2), (3) and (4) of said Article Second B. Plans for the design of the facilities shall be approved by the Secretary in consultation with the Board of Trustees and, should the City and/or State of New York contribute to the cost of constructing the facility described in Article Second B(3), with representatives of the City and/or State of New York with respect to that facility.

Sixth. During the period between the date of this Memorandum and the time when title to said collections, endowment, and all other property shall pass to the Institution, the Heye Foundation shall care for the said collections and property and shall maintain its present insurance coverage against loss or damage to such property, it being understood, however, that in no event nor under any circumstances shall the Heye Foundation be liable for any

loss or damage to its property, however caused, which is not compensated for by such insurance. The Heye Foundation shall pay all costs, premiums, and other charges incidental to such care and insurance.

Seventh. Anything herein contained to the contrary notwithstanding, from and after the date of this Memorandum and until title to the collections shall pass to and be vested in the Institution, the Heye Foundation may loan any of the objects or related material listed in the schedules attached hereto, and otherwise continue prudent operations.

Eighth. The income from the endowment of the Heye Foundation after transfer to the Institution and any funds realized from the sale of assets, objects, and related material in its collections shall be applied in a manner and to those ends as may be approved by the Board of Trustees of the Museum. Pending the use of said funds for such purposes, the Institution shall invest the endowment and such funds in a manner that it may determine from time to time, provided that the endowment and such funds, and the income therefrom, shall be maintained for the benefit of the Museum and accounted for separately from other funds of the Institution. Administrative fees to cover the costs of fund management and other support services for the Museum will be charged, consistent with established policy, by the Institution.

Ninth. Within the facilities described in subparagraphs (2) and (3) of Article Second B. hereof and in such other places and publications as may from time to time be appropriate, the Institution will memorialize the devotion of George Gustav Heye to the study of the indigenous peoples of the Western Hemisphere and inform the general public as well as the scholarly community of his efforts to establish the collections that are the foundation of the Museum.

Tenth. Anything herein contained to the contrary notwithstanding:

A. the Institution shall be relieved of any and all obligations imposed on it by this Memorandum of Understanding and shall not be regarded in breach hereof for failure to perform said obligations unless and until it shall have received appropriations or other funds paid over or given to it for the Museum sufficient to enable it to perform same and

B. the Institution shall not be responsible for the liabilities of the Heye Foundation existing at the time of the transfer referenced in Article Fourth hereof to the extent that such liabilities exceed unrestricted funds of the Heye Foundation transferred to the Institution.

Eleventh. This Memorandum of Understanding shall be terminable only by written agreement of the parties; provided that, if legislation containing provisions

substantially as set forth in Article Second B. hereof is not duly adopted by the Congress of the United States and approved by the President within thirty (30) days after the close of the 101st Congress, this Memorandum of Understanding shall thereafter be terminable at any time on sixty days' written notice by either party to the other.

Twelfth. A. This Memorandum of Understanding shall be governed by and construed in accordance with the laws of the State of New York to the extent permitted under the Constitution and laws of the United States and under the jurisdiction of the United States District court for the Southern District of New York.

B. This Memorandum of Understanding may be executed in two counterparts each of which shall be deemed the original if the other is not produced.

C. The Heye Foundation may assign its rights to enforce this Memorandum of Understanding to the Attorney General of the State of New York. Otherwise, this Memorandum of Understanding is not assignable.

In witness whereof, the Museum of the American Indian, Heye Foundation, pursuant to a resolution duly adopted by its Board of Trustees, has caused this Memorandum to be signed and its official seal to be hereunto affixed by its Chairman and the Smithsonian Institution, pursuant to a resolution duly adopted by its Board of Regents, has caused

this Memorandum to be signed and its official seal to be hereunto affixed by its Secretary; all as of the date of signature of this Memorandum of Understanding by both parties.

(SEAL) TRUSTEES OF THE MUSEUM OF THE AMERICAN INDIAN, HEYE FOUNDATION

By Julie Johnson Kidd, Chairman — March 16, 1989 (Date)

(SEAL) SMITHSONIAN INSTITUTION

By Robert McC. Adams, Secretary — May 8, 1989 (Date)

98-366 O - 89 - 4

STATEMENT OF

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MRS. WILMOT H. KIDD

CHAIRMAN, BOARD OF TRUSTEES,
MUSEUM OF THE AMERICAN INDIAN
HEYE FOUNDATION

HEARING ON
THE NATIONAL INDIAN MUSEUM ACT

BEFORE THE SELECT COMMITTEE
ON INDIAN AFFAIRS AND THE RULES
AND ADMINISTRATION COMMITTEE OF THE
UNITED STATES SENATE

MAY 12, 1989
WASHINGTON, D.C.

MUSEUM OF THE AMERICAN INDIAN
HEYE FOUNDATION

As Chairman of the Board of the Museum of the American Indian/Heye Foundation, I am grateful to have this opportunity to appear before you today. I would like to record my enthusiastic support for the legislation to establish the new National Museum of the American Indian under the auspices of the Smithsonian Institution. It appears that at long last we are on the verge of establishing a coalition of many interests, entities, powers and points of view - a coalition which represents a triumph for an idea whose time has come.

The idea to use the magnificent Heye collection to form the heart of such a National Museum is not a new one. It was originally espoused by Mr. Nelson Rockefeller when he held the office of Vice President of the United States over thirteen years ago. He knew the collection's stature from his days as Governor of New York, and he knew its operating difficulties as well. As Vice President, he saw the vision of what the proper utilization of this unique treasure could mean for our nation as a whole; but it was too soon for that vision to become a reality.

Now thanks to the efforts of many people, a National Museum of the American Indian is a concept whose realization is at last at hand. But such an institution can be much more than a museum, its mission much broader than the preservation, exhibition, and study of a unique and unparalleled collection. It can be a cause which brings us all together in an effort to learn, understand and compromise. This institution can be a new and proud tool for the communication of the fascinating, subtle, compelling and formative Indian cultural heritage, a heritage shared by us all, Indian and non-Indian alike.

A heritage shared but not understood, shared but taken for granted, shared but shunted aside. We can speak with an astronaut on the moon, but non-Indians have not known how to

speak with the peoples who first revered the gift of our natural world, the peoples who have experienced most poignantly the pollution of our incomparable environment. Should not we as a nation listen to their wisdom? Is it not time to pay tribute to the culture and heritage which fostered that wisdom?

It has been said that the struggle to create this new institution is a "tale of two cities". But we who are closely involved in this effort know that that is not the case. Instead it has been the tale of the forging of a powerful partnership through compromise and dedication - a partnership in the best and fullest sense that our nation can conceive. This partnership involves the federal government, the State of New York, the City of New York, and significant private interests both within the Indian community and without, and we thank them all for their support.

The visionary leadership of Senator Inouye set the wheels in motion and kept them rolling both uphill and down to the spot where we are today. Without his patience and determination, we would still be stalled at the station. Mayor Koch had the courage to set aside our differences and to say that this collection could serve the people of New York and the nation as well to the exclusion of neither and the enhancement of both. He then set his chief of staff, Diane Coffey, to work to make it happen, and work she did. We are very grateful to them both.

New York's Attorney General Robert Abrams and his staff made every effort to compromise and to find a solution so that the Museum could at last be in a position to fulfill its mission not only for New York but the nation as a whole. The Governor of New York lent his quiet but strong support to these time-consuming endeavors, and New York's Senator Moynihan carried our case to the Regents of the Smithsonian, who set aside some stalwart

principles in the belief that the greater goal must reign supreme. We are grateful to that Institution and Secretary Adams and his staff for taking on this enormous task and for the hard work they have done and will continue to do.

As to the private sector, David Rockefeller, because of his strong belief in the significance of this cause, helped us in numerous small and large ways and gave us his much welcomed and appreciated support. And the Indians on the Heye Board have opened the eyes of the rest of us to a world and to issues we are just beginning to understand.

There remain some issues to be resolved, of course, but I am confident that this coalition of the public and private sectors and people of good will will carry us through the last remaining hurdles. It will be the end of a long and difficult journey, but, more importantly, the beginning of an astounding adventure. I hope we as a nation will make the most of it.

TESTIMONY OF ATTORNEY GENERAL ROBERT ABRAMS ON THE MUSEUM OF THE AMERICAN INDIAN BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE COMMITTEE ON RULES AND ADMINISTRATION OF THE UNITED STATES SENATE

Washington, D.C.
May 12, 1989

Delivered by:

PAMELA A. MANN
Assistant Attorney General
In Charge of the Charities Bureau
New York State Department of Law

I welcome the opportunity to speak on behalf of Attorney General Robert Abrams before the Select Committee on Indian Affairs and the Rules Committee on the proposed federal legislation establishing a National Museum of the American Indian with major facilities in Washington D.C. and New York City. This legislation would effectuate an agreement between the Museum of the American Indian in New York and the Smithsonian Institution in Washington, D.C. and would resolve many years of uncertainty over this magnificient collection of Native American art and artifacts, which has had its home in New York since it was created.

The Museum of the American Indian-Heye Foundation, created in 1916 by George Gustav Heye, is a charitable institution established in, and administered under, the laws of New York State. For some time the Museum has sought to secure its future and that of its extraordinary collections by seeking to relocate its facilities. But, because its collections were received in trust, the Museum's choice of a new site must be consistent with George Heye's charitable intent.

As Attorney General of the State of New York, I have a statutory obligation under New York law to oversee the charitable institutions of the State. The law requires the Attorney General to be vigilant in enforcing the restrictions donors place on their charitable gifts. It

requires the Attorney General to ensure that the trustees empowered to administer philanthropic gifts devote the trust's assets to the accomplishment of the particular purposes ordained by the donor. To assure that trustees carry out the purposes of New York charitable trusts, any agreement relocating an entity such as the Museum of the American Indian -- including the agreement before this Committee -- must be approved by the New York courts upon notice to the New York Attorney General.

A critical purpose of the Trust Indenture that created the Museum was to maintain a Museum in New York. George Gustav Heye, the Museum's founder and a lifelong New Yorker, placed his collection of Indian art and artifacts, as well as what was in 1916 a huge sum for its maintenance, in a trust whose purpose was: "To promote the public welfare by actively advancing learning and providing means for encouraging and carrying on [specified] work within the State of New York..." The Indenture also provides for the administration of the Trust in New York, according to the laws of New York State.

And since 1916, the Museum of the American Indian has operated three facilities in New York City, pursuant to the terms of the trust: An exhibition space at Audubon Terrace

in upper Manhattan, a research and storage facility in the Bronx and a library in the Bronx.

In 1985, the Museum's search for a new home led its trustees to seek the New York Supreme Court's approval to relocate its entire operation outside New York State. Because of the trust indenture's terms and in light of my statutory oversight role with regard to charitable trusts, I have opposed the Museum's petition to move the entire museum outside of the state throughout several years of litigation.

After many years of effort and difficulty, representatives of my office, the City of New York, the Smithsonian Institution and the Museum participated in negotiations to explore whether an agreement could be arrived at which both secured appropriate facilities for the Museum's unparalleled collections and fulfilled the purposes of the Heye Trust. After intensive meetings and tireless effort, the negotiators reached an agreement in principle which has now been approved by the Museum of the American Indian's board of trustees and the Smithsonian Board of Regents.

Under the Memorandum, the Smithsonian would create a new National Museum of the American Indian, which would operate two facilities -- a new museum on the Mall in Washington, D.C. and an 82,500 square foot facility in the Old U.S. Custom House in the City of New York. The existing Museum of the American Indian would transfer title to its

collection to the new National Museum, which would mount exhibits and conduct educational activities in the two museums, make the collection available to scholars, and preserve and restore this priceless collection by housing portions of it in storage facilities in Maryland.

The agreement hammered out in very difficult negotiations represents a compromise which will inure to the benefit of the collection and the public, while fulfilling the purposes of the Heye Trust. It transfers title in this matchless collection to the Smithsonian, a provision which the Smithsonian insisted upon, while meeting my concerns as Attorney General that the purposes of the Heye trust be fulfilled through certain critical provisions.

First, under the Memorandum of Understanding, the Smithsonian is firmly committed to maintaining a substantial and permanent museum at the Custom House. This is a critically important provision in terms of the requirements of the Heye Trust. The 82,500 square foot facility is comparable in size to other important New York museums, and we have been assured that its exhibition space will be double the exhibition space at the Museum's current facilities. Also, by the terms of the transfer of the Museum's collection to the Smithsonian, the collections must be used for purposes set forth in the original trust indenture, thus ensuring a continuation of the donor's charitable intent. Finally, the fiduciary obligations of

the Regents to administer these collections consistent with the terms of the transfer will be construed under New York State law.

All of these provisions, which will assure a substantial museum presence in New York, are essential to my position that this agreement would comport with the trust's intent. However, while the Smithsonian has agreed to maintain an 82,500 square foot facility at the Custom House, in our view, it has done so only with great reluctance. In particular, we remain concerned that, as concrete plans for the Custom House facility are developed, the Smithsonian not attempt to limit the overall size of the Custom House facility or its use of space to be shared with other Custom House tenants. We hope and expect that the Smithsonian will consult closely with New York State and New York City which will be contributing money towards the renovation, to assure that the Institution's proposed plans carry out the principles of the Memorandum of Understanding.

The legislation which has been introduced to implement this agreement appears to contain these guarantees of a substantial and permanent New York presence. If federal legislation containing these critical provisions in particular and the Memorandum of Understanding in general is passed by Congress, my office would be able to represent to

the Court that the agreement honored the intent of the trust indenture and should be approved by the Court.

I firmly believe that this proposal represents a unique and unparalleled opportunity to preserve and restore the marvelously rich collection of artifacts bequeathed by George Gustav Heye. With substantial museum facilities in two of this country's most preeminent cultural centers, far greater portions of this collection will be viewed by the public than has ever been possible. Millions rather than thousands of visitors will be able to appreciate the richness of American Indian culture so vividly portrayed by these collections. Plans for the New York museum should produce superior exhibition facilities at the Custom House. The vast Heye collections will all be available for exhibition at both the Washington and New York facilities. Moreover, they will be preserved and maintained in state-of-the-art storage facilities, in sharp contrast to the deplorable conditions in which the collection is now stored.

It is also important that the future of the current Heye Museum facility at Audubon Terrace be resolved to the satisfaction of concerned public officials and the local community. Throughout the many years that the Heye Museum has sought a new home, I have consistently taken the position that any solution for the Museum's future must also lead to an appropriate use of Audubon Terrace that is in

keeping with community concerns. I am pleased that the Smithsonian Regents have recently pledged their willingness to work with those concerned to develop appropriate plans for that facility. The establishment of a meaningful cultural presence on the site originally chosen by the Museum's founder would be a significant component in an overall resolution of this matter.

The variety and scope of the Museum's collections give all who know it an appreciation for the cultural complexity and richness of those who first inhabited the Americas. This unique collection has the capacity to inspire vision and promote understanding, a capacity that must be preserved for future generations. I urge this Committee to support legislation that will ensure the future of the incomparable Heye collections, on terms which are consistent with George Heye's charitable intent.

REMARKS OF DIANE M. COFFEY

CHIEF OF STAFF, EDWARD I. KOCH

MAYOR, CITY OF NEW YORK

JOINT HEARING SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

AND RULES & ADMINISTRATION COMMITTEE

MAY 12, 1989

GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. MY NAME IS DIANE COFFEY AND I AM APPEARING TODAY ON BEHALF OF MAYOR EDWARD I. KOCH. THANK YOU FOR GIVING ME THE OPPORTUNITY TO TESTIFY REGARDING THE PROPOSED LEGISLATION TO ESTABLISH A NATIONAL MUSEUM OF THE AMERICAN INDIAN.

FIRST, I WOULD LIKE TO THANK SENATOR INOUYE FOR HIS QUIET PERSISTENCE IN ENCOURAGING DISCUSSIONS AMONG ALL OF THE DIFFERENT INTERESTS WHICH HAVE BROUGHT US TOGETHER TODAY IN SUPPORT OF THE ESTABLISHMENT OF A NATIONAL MUSEUM. IN ADDITION, I WANT TO CONGRATULATE SENATOR MOYNIHAN FOR HIS VISION AND LEADERSHIP IN IDENTIFYING SPACE AT THE CUSTOMS HOUSE WHICH WILL PRESERVE THE MUSEUM'S PRESENCE IN NEW YORK CITY AND EXPAND ITS REACH TO THE WIDEST POSSIBLE AUDIENCE.

GEORGE GUSTAV HEYE CREATED THE HEYE FOUNDATION IN 1916 AS A CHARITABLE TRUST FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING A MUSEUM IN NEW YORK STATE. ANY SOLUTION, THEREFORE, MUST PROVIDE FOR THE CONTINUATION OF HEYE'S TRUST PURPOSES IN NEW YORK. THE COLLECTION, WHICH CONSISTS OF OVER ONE MILLION INVALUABLE AMERICAN INDIAN ART OBJECTS AND ARTIFACTS, IS PRESENTLY HOUSED AT THE AUDUBON TERRACE IN NORTHERN MANHATTAN. THIS FACILITY, HOWEVER, IS INADEQUATE TO HOUSE THIS EXTENSIVE COLLECTION.

THE FIRST STEP TO SECURE THE FUTURE OF THE MUSEUM OF THE AMERICAN INDIAN IS TO COMMIT TO ESTABLISHING MUSEUM FACILITIES WHICH REFLECT THE GRAND STATURE OF THE COLLECTION, AND WHICH WILL ATTRACT THE NECESSARY ATTENTION AND PARTICIPATION OF THE PRIVATE SECTOR TO SECURE FUNDING FOR EXPANDING THE MUSEUM'S ACTIVITIES AND MAKING IT ACCESSIBLE TO THE BROADEST POSSIBLE CROSS-SECTION OF AMERICAN PEOPLE.

THE MEMORANDUM OF UNDERSTANDING RECENTLY APPROVED BY THE BOARD OF REGENTS OF THE SMITHSONIAN AND THE HEYE FOUNDATION, AND THE PROPOSED LEGISLATION PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL MUSEUM OF THE AMERICAN INDIAN WITH A MAGNIFICENT FACILITY TO BE CONSTRUCTED ON THE MALL AND A SIGNIFICANT EXHIBITION FACILITY AT THE CUSTOMS HOUSE IN NEW YORK CITY. SUBJECT TO THE APPROVAL OF THE NEW YORK COURTS, THIS LEGISLATION AND THE AGREEMENT SET FORTH A PLAN FOR AN AMICABLE RESOLUTION OF THE PROBLEMS THAT WE HAVE STRUGGLED WITH FOR YEARS.

THERE IS NO DISPUTE THAT THE RICHES OF THE MUSEUM'S COLLECTION ARE SUFFICIENT TO SUPPORT MUSEUM FACILITIES IN BOTH NEW YORK AND WASHINGTON. THE PROXIMITY OF THE CUSTOMS HOUSE TO THE SOUTH STREET SEAPORT, BATTERY PARK, STATUE OF LIBERTY, AND THE PLANNED HOLOCAUST MUSEUM MAKE THAT LOCATION A PARTICULARLY EXCITING AND PROVOCATIVE SITE ENSURING LARGE CROWDS FOR THE MUSEUM'S EXHIBITIONS.

SENATOR INOUYE'S LEGISLATION WILL GUARANTEE A SIGNIFICANT MUSEUM FACILITY OF APPROXIMATELY 82,500 SQ. FT. AT THE CUSTOM'S HOUSE THAT WILL INCLUDE TWICE AS MUCH EXHIBITION SPACE AS CURRENTLY AVAILABLE AT AUDUBON TERRACE. A PART OF THAT SPACE, INCLUDING AN AUDITORIUM, WILL BE SHARED WITH THE GENERAL SERVICES ADMINISTRATION. IT WILL BE A TRULY DYNAMIC AND EXCITING FACILITY.

THE CITY HAS BACKED UP ITS SUPPORT FOR THE CUSTOMS HOUSE FACILITY WITH A COMMITMENT TO CONTRIBUTE UP TO A THIRD OF THE CAPITAL CONSTRUCTION COSTS, AN ESTIMATED CONTRIBUTION OF $8,000,000. THE STATE HAS MADE A SIMILAR COMMITMENT. THE CITY WILL ALSO CONSIDER THE SMITHSONIAN INSTITUTION AS IF IT WERE A LOCAL CULTURAL INSTITUTION IN REVIEWING AND AWARDING ANNUAL FUNDS FOR PROGRAMS AT THE CUSTOMS HOUSE. IN ADDITION, THE GOVERNOR AND SENATORS MOYNIHAN AND D'AMATO HAVE JOINED WITH MAYOR KOCH AND DAVID ROCKEFELLER TO PLEDGE THEIR ASSISTANCE TO THE MUSEUM IN OTHER FUNDRAISING EFFORTS.

WE SHOULD RECOGNIZE THAT, ALTHOUGH AUDUBON TERRACE IS NOT SUITABLE TO HOUSE THE MUSEUM OF THE AMERICAN INDIAN, IT HAS FOR MANY YEARS BEEN A VALUABLE COMMUNITY ASSET. DISCUSSIONS ARE UNDERWAY WITH CONGRESSMEN RANGEL AND WEISS, AND OTHER LOCAL COMMUNITY OFFICIALS WHO HAVE EXPRESSED CONCERNS ABOUT THE FUTURE OF AUDUBON TERRACE. WE HAVE JOINTLY RAISED THE POSSIBILITY OF CONTINUING AN EXHIBIT OF ARTIFACTS FROM THE MUSEUM OF THE

AMERICAN INDIAN. WHILE WE HAVE NOT YET DETERMINED THE FINAL ARRANGEMENT, WE ARE ENCOURAGED BY THE UNDERSTANDING OF COMMUNITY NEEDS SHOWN BY THE SMITHSONIAN IN HELPING TO IDENTIFY COOPERATIVE PROGRAMS, TRAVELING EXHIBITS, AND TRAINING PROGRAMS THAT MAY BE AVAILABLE. WE ARE HOPEFUL THAT WORKING TOGETHER WE WILL RESOLVE THIS MATTER.

IT IS TIME THAT THE MUSEUM'S COLLECTION, WHICH IS PRESENTLY RESTRICTED IN LARGE PART TO AN AGING STORAGE FACILITY IN THE BRONX, BE BROUGHT OUT INTO THE OPEN FOR ALL TO APPRECIATE. BY JOINING TOGETHER IN A CONCERTED EFFORT TO ENACT LEGISLATION WHICH WILL PERMIT THE PLANS TO MOVE FORWARD AS SOON AS POSSIBLE, WE CAN ASSURE THAT THE COLLECTION WILL BE PROTECTED AND ACCESSIBLE TO THE BROADEST POSSIBLE CROSS-SECTION OF THE AMERICAN PEOPLE.

THE MUSEUM OF THE AMERICAN INDIAN HAS BEEN AN IMPORTANT PART OF NEW YORK CITY'S CULTURAL LEGACY AND THE NEW FACILITY AT THE CUSTOMS HOUSE WILL BE AN IMPORTANT PART OF THAT LEGACY IN THE FUTURE. ALL NEW YORKERS CAN BE PROUD THAT THE HEYE FOUNDATION COLLECTION WILL SERVE AS THE CORE OF A GREAT NATIONAL MUSEUM ON THE MALL. I LOOK FORWARD TO THE DAY WHEN WE CAN ALL SHARE IN THE BEAUTY AND ACCOMPLISHMENT OF AMERICAN INDIAN CULTURE AND HERITAGE BOTH HERE IN OUR NATION'S CAPITAL AND IN NEW YORK CITY.

THE MAYOR AND ALL OF US IN THE CITY ADMINISTRATION WILL WORK WITH YOU TO MAKE THIS OPPORTUNITY A REALITY.

STATEMENT OF WILLIAM J. DIAMOND

REGIONAL ADMINISTRATOR, NEW YORK

GENERAL SERVICES ADMINISTRATION

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS

AND

COMMITTEE ON RULES AND ADMINISTRATION

UNITED STATES SENATE

ON

MAY 12, 1989

Mr. Chairman and Members of the Committee, I am pleased to be here today to discuss the role of the General Services Administration (GSA) under a proposed bill authorizing establishment of a National Museum of the American Indian within the Smithsonian Institution.

Our testimony will focus solely on the provisions in the bill concerning the use of portions of the Old United States Custom House in New York City as a museum facility by the Smithsonian Institution (Smithsonian).

More specifically, this bill would require the GSA to provide to the Smithsonian approximately 82,500 gross square feet in the Old United States Custom House at One Bowling Green, New York City. GSA and Smithsonian have identified the specific space for Smithsonian's use. This space would be used by Smithsonian as a facility to house the George Gustav Heye Center of the National Museum of the American Indian. Approximately 57,000 square feet would be devoted exclusively to Smithsonian use. The remainder of the space would be joint use space, including an auditorium and loading dock. The cashier room, collectors room, hallway and rotunda will be additional space available on an outlease basis.

This space has also been identified by GSA and Smithsonian. The square footage is approximate since this is a building partially restored. The difference between gross and occupiable square feet is rather large due to the age of the building.

The proper housing of this preeminent collection is important to the cultural history of all Americans. The Old United States Custom House is one of the finest examples of Beaux Arts architecture in the United States and because of its grandeur and historic significance, the old Custom House would provide a most appropriate site for exhibiting the collection which will remain in New York. Furthermore, a joint use of this building employing areas of the building best suited for display purposes, and using the rest of the space for administration and office space is an efficient use of the space. Section 7 specifically states that GSA and Smithsonian shall mutually agree to the terms of the tenancy; GSA would include specific areas for exclusive use and joint use.

Section 7 of the proposed legislation authorizes the Administrator of General Services (Administrator) to furnish space to Smithsonian. This space is to be made available at a nominal charge to Smithsonian except that Smithsonian will reimburse the Administrator for its pro rata share of the cost of utilities, maintenance, cleaning and other services, and the full cost of any repairs or alterations requested by Smithsonian.

Beginning with H.R. 5284 in 1986, and S. 1246 in 1987, the GSA has consistently supported efforts to find a home for the Museum of the American Indian. GSA supported conveyance of the Custom House to the Museum of the American Indian at no cost. GSA does not now object to this provision which varies from the usual charge imposed by GSA when furnishing space to federal agencies. The provision can be viewed as consistent with GSA's willingness to make the space available at no cost directly to the Museum of the American Indian and a recognition that some variation from the norm is justified if it contributes to the resolution of this unique and important issue. Furthermore, GSA can now house Federal agencies in the remainder of the Custom House to be renovated with funds we anticipate obtaining in the near future.

A total of approximately 150,000 net usable square feet of space will be for Federal office use, including the Bankruptcy Court, U.S. Trustee in Bankruptcy, Customs, Justice and others.

Presently the Custom House is occupied by the U.S. Trustee in Bankruptcy, the Bankruptcy Court and PreTrial. GSA envisions no difficulty in providing approximately 82,500 gross square feet to the Smithsonian for both exclusive and joint use. The Bankruptcy Court, the U.S. Trustee in Bankruptcy and PreTrial will continue occupying its space in the Custom House. We see a positive impact on existing Federal needs, since GSA can reduce the amount of rented space in New York City, and satisfy Federal space needs in the Custom House.

The renovation of the Custom House is nearing completion. However, some additional funding of about $25,000,000 will be required in the future to complete the project. This amount would be in addition to amounts required by Smithsonian for repairs or alteration to the space assigned to Smithsonian for museum use.

This concludes my prepared remarks, Mr. Chairman. I would be happy to respond to any questions you may have.

TESTIMONY OF LLOYD KIVA NEW
INTERIM PRESIDENT OF THE INSTITUTE OF AMERICAN INDIAN AND
ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT
FOR THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
MAY 12, 1989.

Senator Inouye, Members of the Committee:

It is a great honor for me to have been invited to speak with you today. I am Lloyd Kiva New, Cherokee, artist, and arguably the oldest arts educator in town. In Cherokee country, to be old connotes wisdom. We shall see.

My perspective on the funding of the proposed National Museum of the American Indian is based on a lifetime of involvement in Indian arts and culture. I was the original Arts Director of the Institute of American Indian Arts when it was opened by Bureau of Indian Affairs, in Santa Fe, in 1962, and served as its President until my retirement in 1978. I currently serve as Interim President of the new Institute of American Indian and Alaska Native Culture and Arts Development. Under a recent mandate from Congress, the Institute is governed by a Board of Trustees appointed by the President of the United States. For a number of years I have served the Secretary of the Interior as Chairman of the Indian Arts and Crafts Board, also am a member of the National Council of the Museum of the American Indian, Heye Foundation, New York City, the Heard Museum, Phoenix,

Arizona, and the Indian Museum Advisory Board of the Buffalo Bill Historical Center, in Cody, Wyoming.

I have been privileged to give more than half a century of professional-level work and thought, both as working Indian artist, and as a trained arts educator, to the observation of the evolution of American Indian art and culture. Fortune has put me at the right spot at the right time several times in my career to allow me to help shape the changes in contemporary Indian art. A lifetime so spent is my best set of credentials to make the following more or less personal remarks.

My initial reading of S. 1722 [report no. 100-494], the bill proposing the authorization by the Congress to establish the National Museum of the American Indian, within the frameworks of the Smithsonian Institution, produced two immediate reactions: The first was one of excitement about the imminent possibility that Indians would soon have a museum in the most strategic location in the whole of the United States - on the Mall just below the Capitol. I thought: How proper!, How timely! but, on the other hand, why has it taken so long?

The thought of such a grand opportunity for Indians - to gain long-delayed and highly-deserved recognition for their cultural accomplishments on such a large scale - caused

sleepless periods of ruminations about what such an opportunity might mean toward the betterment of the lives of Indian people, and to an increased understanding of their history, their tribulations, and their glories!; and what an opportunity for the correction of the overly romantic and stereotypical view of Indians - and the "savagery" sometimes attributed to them.

Upon further reading - getting into the pros and cons of the proposed bill - it suddenly occurred to me that the bill was rife with management problems, including the seemingly risky aspects and practical problems involved in melding a number of discrete governing boards.

I am concerned with the steps yet to be negotiated in the resolution process in order to safeguard the continued maintenance of the precious, one of a kind, irreplaceable objects that would be passed from one institution to another on improbable and seemingly unprofessional terms. I worried whether a program could be put into play that would insure the widest availability of the collections to the collective descendents of the various peoples who had originally created them, as well as making them available to the general public. I detected an over-emphasis on the marketing of the collection with comparably less concern for providing services to the nationwide Indian community.

I also wondered what plans the new museum would have for assisting Indians and their culture moves through predictably difficult transitional times ahead. Would the museum realize the power of the arts as a social tool, and encourage the kind of artistic expression that will be reflective of the social strains and confusion Indian people are experiencing as they attempt to piece together the remnants of their culture after 150 years of deliberate efforts to deculturize them? Would the new museum program be concerned with the social problems of Indians or would it concentrate on the simple display of their precious cultural expressions for the mere entertainment and edification of its potentially vast non-Indian audience?

Would the museum concern itself with the fact that the shape and form of Indian art is driven more by non-Indian commercial interests than by any deep seated traditional cultural force?

Through the years I have noted evidence of an increasing inability on the part of bureaucracy to deal with the problem the artist must face when confronted by the choice of continuing tribally evolved art forms (traditional) or giving in to esoteric and highly individualistic expression that usually goes with newfound human rights and the pull of modernity.

I wondered to what extent Indians would be encouraged by the museum's administration to take the lead in setting policies which will undoubtedly have great effect upon the shape of Indian artistic expression to come. I wondered if there would be a genuine function role for Indians in setting the basic mission of the new museum.

These concerns lead to other questions: What about the delivery system of museum services to Indian communities since most Indians will never visit Washington? And about the museum's attitude toward art, tradition and progressivism?

Museums, by popular definition are conservators of culture, as opposed to projectors. Some are both. Most Indian museums feature the old, the "authentic", for that is the nature of the museum discipline. Unfortunately this approach adds to the romantic illusion that the past holds more for Indians than the future, that Indians have somehow passed the peak of their cultural virility. Indians are easily caught up in this myth and move toward their future in a near state of apology. The new National Indian Museum is in a powerful position to break the bonds of this mythology and offer institutions of great moral support for the Indian cause.

The mere fact of a special building in the Nation's Capital to display the proud accomplishments of Indians will be felt throughout the Indian country. For a people who have had but faint positive recognition to receive this symbolic giant accolade will go a long way toward lifting the spirits of Indians across the Nation. It will become the cultural rallying point for Indians and Alaska Natives of all tribes.

It is imperative the new museum management team realize the increasingly powerful role of the arts in the defining of newly evolving culture of Indians as they move into the 21st Century. Linked with its sister institution, The Institute of American Indian and Alaska Native Culture and Art Development, which will be dealing with the cultural development needs of Native Americans in an eventual university setting - a new synergy - the two institutions should be the envy of indigenous peoples around the world. While the core of the new National Museum's program is the proud display of items from a largely unknown, cultural treasure chest, for the Institute it is the training of leaders in culture and art. The unique cultural contributions of this synergistic institutional team will bring credit to Native Americans and to the larger American culture.

Finally, the bill as written emphasizes service to the viewing public at the expense of projective plans for servicing the Indian community at large. A balance should be struck.

It is not news that there is a growing moral question among Indians about who is the true owner of the many collections that reside in non-Indian museums. Growing tensions can be best alleviated when a museum shares at least nominal access with the collective descendents of the original creators. It is also known that very few Indians are presently aware of the great body of works which have been so commendably maintained by enlightened and caring museum administrations. The new National Museum will make it possible through highly developed outreach programs and electronic transfer devices for every American to share in the cultural *el dorado* represented by the potential offerings of these two major institutions.

Psychological confusion and damaging effects transpire when a member of the present generation of Indians experiences an expanding sense of nationalism but finds the system to be indifferent to his impelling need to learn more about himself. The necessity for ready access to the kind of cultural resources that will become available - virtually for the first time - when the projected National Indian Museum opens its doors to Indians, research specialists,

educators, and the general public - becomes patently apparent.

To realize that Indians, so badly in need of access to personality strengthening materials such as that to be found locked away in the two collections will be denied access in this great time of need, amounts to a kind of moral corruption and neglect. It is manifested in an unforgivable withholding of information essential to the individual and collective advancement of upcoming generations of young Indians, who are presently denied access to the most exciting collection of cultural artifacts identified to date.

Nonetheless, having access to a first class Museum displaying Indian made items in Washington, D. C., would in itself convey to Indians generally a sense of being somebody. Such a simple fact, its truth and importance can be easily lost in the search for some greater, higher sounding mission, but when all is said and done, being somebody is an important part of living. Appreciation for the importance of pride and self esteem comes to its fullest only when one considers what happens to people who in fact live whole lives without gaining a sense of being somebody. Being somebody in the phraseology of the cultural sociologist has to do with the enhancement of one's esteem, and the security found in knowing fully where one has come

from, and a vicarious sharing in the greatness of one's group's collective achievements. Identity, self esteem, in the triteness of overuse becomes almost meaningless, lost in the professional lingo of the would-be social anthropologist. When the Museum is finally built, the Indian grapevine will let the people know that they are at last coming to be recognized as an important part of the great American story. They will soon hear there is an imposing building in Washington, D. C., built expressly to make available to them a fairyland of exciting things created by their people. Having an imposing edifice in Washington, D. C., dedicated to Indian art and culture - in itself - would result in a symbolic statement of support for Indians generally. Handled properly with real Indian input (not token), and the use of the latest technology for the dissemination of information, a new curriculum on American Indians, based upon the items in the collections (which are totally unknown to most Indians) could enliven the entire American cultural scene in ways beyond our present comprehensive capacities. Coupled with the new embryonic university being put together in Santa Fe, dedicated to the mission of becoming a world class force in the use of the arts as a major vehicle for cultural definition and its sound evolution, America and the world will soon feel the force of a newly franchised Indian America, the likes of which have never been seen. There is so much to say, the future for Indians looks so promising, it is difficult to

stop. However, may I end by saying, somehow, someway, a way to access to the virtually unknown treasure chests represented by the collections that now lie dormant in both the Smithsonian and the Museum of the American Indian, must be found. Therein lie the cultural roots of not only Indians but all of America.

With the will and dedication of all concerned, I am sure these issues can be resolved. I urge you to support the appropriation for the new National Museum of the American Indian with the understanding that it complements but does not replace the efforts of the Institute of American Indian and Alaska Native Culture and Arts Development. For the Institute is training those artists whose work traces its origins to the artifacts it will house. Our institutions, both part of the world some call Indian Country, are partners in furthering understanding and appreciation.

Thank you again for my time today. I would be pleased to answer any questions.

PREPARED STATEMENT OF RICHARD HILL

MUSEUMS AND THE SURVIVAL OF INDIAN CULTURE

American museums are the cultural institutions where the worldview of western culture is preserved. Museums are also the home for the captured heritage of people of color. Much has been written about the enthnocentric perspective of mainstream museums and we can still see caucasion concepts of discovery, civilization and human progress in the exhibits, policies and programs of most the the major museums of America, including the Museum of the American Indian and the Smithsonian.

Museums do not reflect a Native point of view and in fact, most scholars disagree about the validity of the Native perspective about the past. Indians are subject matter for study, not for intellectual, spiritual or artistic imput into the planning and management of museums. Why does Native American art have to be shown in ethnographic museums, and not art galleries? Definitions are being made about Indian culture, and these definitions are being made by non-Indians. When Indians do not meet these imposed restrictions we are no longer considered valid, as Indians, and as professionals.

In the United States, Indians are looked at a suppliers of cultural materials for museum exhibits. We are cultural props, whose moment in history has passed. If there is any presence for modern Indians in museums, it is usually as colorful dancers to attract the non-Indian public to the museum. The general public remains largely misinformed about Indians, past and present. Museums have failed to do the job that they have assigned to themselves - the education of the public.

Seldom has there been a collaborative relationship between museums and the first people of this land to retain, enhance and develop the cultural dimensions of modern Indian nations. In fact, most museums, including the Smithsonian and the Heye Foundation view Indians only in the past. A quick review of their permanent exhibits would make you think that Indians no longer exist. The exhibits have been unchanged for nearly forty years, and reflect a biased attitude toward Indians.

This attitude is also exhibited in the minds and scholarhip of the principle staff members of the both museums. Anthropologists and other social scientists have not had a loving relationship with the people they study. Many Indians will be quick to point out that the scholars, who are nearly all people of the caucasion persausion, have an emotional need to redefine Indian culture, history, art, and identity. The scholars believe vehemently that their scientific right to study, define and interpret Indian society is more important than any Indian rights to culture. Imagine how frustrating it is for Indian people to have to obtain the permission of a white scholar to even study the relgious patrimony of Indian nations. Indians are made to feel that they no longer have a right to be Indian.

White scholars believe that they have the right to possess

the bones of our ancestors, to dig the graves of dead Indians in search of artifacts for the national museum, to possess sacred objects in museum collections, (many of which are urgently needed by Indian communities for the surivial of our culture and religion). They even go so far as to say that contemporary Indians are not even "Indian", that we are acculturated, and somehow that makes us ineligible for retaining our culture. The top scholars across the country have these racial and cultural attitudes which has only served to separate Indians and museums.

In a recent beadwork exhibit at the Smithsonian, the top scholar would not let the Iroquois Indian staff person use the word "traditional" in the exhibit labels, reasoning that since glass beads were introduced by the whiteman they are not a traditional Indian craft. Yet, to Indians, beadwork is a very important tie to tradition. Censorship to promote a caucasion view of Indian realities does not serve the public's perception of Indian history, culture, art or philosophy.

It may seem like a minor point, but it illustrates what is going to happen at the proposed Indian museum on the Mall. Indian staff, if any, will still have to get the approval of white scholars as to what is said about Indians. Would you have a German direct the Holocaust Museum? Would you have a whiteman as the director of the African-American Museum? The answer is no. But will the director of the new museum be an Indian? Most likely not.

1) WHAT DIFFERENCE WILL IT MAKE WHO IS THE DIRECTOR?

It will make a big difference to Indians. We do not need another multimillion dollar institution to spread the same stereotypes, misinformation and racist perspectives about Indians. We need a new approach. We need an Indian perspective on Indian realities. The public wants to hear from Indians. Foriegn travelers to America want to hear from Indians. School teachers want to hear from Indians. The Pope wants to hear from Indians. Even Morton Downey Jr. wants to hear Indians. Museums do not. White scholars do not.

The problem is that museums have been, and generally continue to be the place where Indian realities are dismissed - including our view of the Creation, our concepts of Indian origins, our oral history, and our interpretation of the treaties. The recent debate among scholars and Indians over the contributions of Indian governments to the development of democratic principles of the American Constitution are a case in point. Indians see a conspiracy to defraud us of our culture.

White scholars state that if there was any influence, you would have heard about it from them first. Now that Indians have raised the issues, and have researched the connections, scholars state that history should be written by them, not Indians , as we are too emotional about the issues. According to white scholars, only they can decide what is right.

The same case can be made in the arts. There has never been a major art exhibit on contemporary art by Native Americans in any mainstream art gallery, as art by Indians has been defined by anthropologists, not art curators. In Phoenix, Indian art is shown at the Heard Museum of Primitive Art, not at the Phoenix Art Gallery. In New York, Indian art is shown at the Heye Foundation, not at the Museum of Modern Art. At the Smithsonian, Indian art is found in the Natural History Museum, not the National Gallery. It is artistic apartheid by the cultural institutions of America.

As long as museums withold sacred cultural objects from modern Indians, they will not contribute to the preservation of our cultures. As long as Indians are defined by white people, we will never know who Indians are. As long as Indian art is seen as ethnic curios it will not be recognized as an important expression of Indian identity. As long as Indians are only suppliers of objects, the ideas, feelings, values and aspirations that make us Indians will never see the light of day in musuems.

If the goal of this hearing is to identify ways to assure active Indian participation in the new museum, you might as well save your time. The white scholars at the Smithsonian and the Heye Foundation will never give credence to Indian perspectives in any significant way. They believe that only they can objectively interpret Indian realities. From an Indian perspective, the museums have already proven that they don't want us, won't listen to us, and will fight us at all costs. Who will decide what is to be said about Indians in the new museum? Who will decide what perspective to choose? Who will decide about how sacred objects will be used? Who will decide what research is to be done, what graves will be dug, what will be published? The answer is painfully clear. Not Indians.

The Smithsonian will argue that they have several Indians working at this time. And this is true. All have been hired since this movement of our cultural patrimnoy became a federal issue. The individual Indians on staff have done the best they can given the limitations of their position, and limited they are. We have seen some new interpretive programs and the new efforts need to be acknowledged and supported. If anything, however, these new efforts cannot offset the frustration felt by Indian across the country that the two major institutions in this country, which house millions of objects of OUR cultural identity, have not responded to expressed Indian needs. Nor has their been any substantial effort to learn of those needs and incorporate those needs into their work plans.

B) WHAT ARE THESE NEEDS?

Indian culture will not survive in the museum. It needs people that believe in it to keep it alive, to use it and to depend on it, as well as to pass it on to the next generation. Indian culture, like all cultures are not static. You don't have

to wear white wigs, white stockings, and three cornered hats like the Founding Fathers, in order to be considered Americans. We don't need to live like the Indians of the past in order to be Indians today. Shouldn't we have the right to define our culture ourselves, on our own terms, for our own children?

This a primary need that should be recognized. Just because we do not fit the definitions imposed upon us by non-Indian scholars does not mean we are not legitimate people. Museums need to recognize this basic human right to our own culture.

Secondly, we need to reclaim the authority to the management of our cultural resources - objects, documents, ideas, and institutions. Indian nations have their own patrimony, their own symbols of identity, their own artistic legacy. Unfortunately, most of this patrimony is locked up in the Smithsonian Institution and the Heye Foundation, miles and miles from the hearts and minds of Indian children. Most of the objects that once manifested Indian realities have never been seen by the current generation of Indians. If we are cut off from the past, how can we proceed into the future?

There is a need to restore cultural objects back to Indian communities. Our people need to re-establish ties to the objects, we need to share their powers, and we need to incorporate objects (and the ideas they represent) into our curriculum.

Thirdly, we need to create regional cultural institutions where we do our own research, where we study our own history, and where we develop programs to meet the cultural needs of our own people. These regional cultural centers are not museums, but are places where Indian scholars, elders, educators, artists and parents meet and share knowledge in new ways. Indians now need cultural spaces, secure storage areas, exhibit areas, program production areas and archival areas to better manage the cultural resources that we have. Then we can develop realistic programs to assure the survival of culture among the Native nations of this land, managed by Indian people themselves.

C) WHAT CAN BE DONE ABOUT ALL THIS?

For the new museum to truly service the cultural needs of Indian people, we need an extension program built into the legislation. It is only the force of law that makes institutions respond to Indian needs. Without the law, and the appropriation, we will always be on the outside. The extension program that I am asking you to consider is as follows:

1) Establish a Native American Cultural Services Division

Consolidation of existing programs and resources under one Native American Cultural Services Program within the new museum.

This program would combine the Native American Museums program of the Smithsonian, the Indian Arts and Crafts Board of the

Department of the Interior, the Institute of American Indian Arts of the Bureau of Indian Affairs and any other federal program that funds cultural development for Native Americans.

These programs will be consolidated to save money, avoid duplication of effort, and to place them under Indian authority in terms of establishing priorities, programs and long range planning to meet Indian needs. Among the new initiatives that the new Division could address are:

- Cultural Education Programs :
  Assistance in developing local educational programs, coordination with other tribal programs that retain and develop Native languages as first languages, traditional lifeskill workshops, youth and elders programs, living history programs, cultural documentation.

- Arts Management Training:
  Assistance in training and staff development in arts management including planning, supervision, fiscal mangement, promotion, and marketing.

- Collection Sharing:
  Arranging the loan of works from the collections of the National Museum to tribal museums, education centers, and providing professional training in collection maintenance.

- Traveling Exhibitions:
  Fabricating and touring exhibits on Indian art, history, culture, sports, crafts, treaties, etc. Use as a training laboratory for Native American interns.

- Publications:
  Provide for the publication of educational materials written, edited, designed and illustrated by Natiuve Americans.

- Research and Cultural Documentation:
  Act as a clearinghouse to disseminate archival materials to regional Indian centers and assist in the establishment of tribal archives.

- Arts Education:
  Training and development of all aspects of the arts through internships, fellowships, study grants to artists, and formal classroom training in the visual arts.

2) Establishment of Native American Cultural Endowment

During the late seventies, the federal Economic Development Administration funded many tribal museums across the country. Most were funded without regard to long term operational needs, and many have experienced great financial difficulty to stay open, much less develop effective programs to serve the cultural needs of Indians.

I suggest that we establish ten regional Indian cultural centers from the existing network of tribal museums, and fund their operations through a Native American Cultural Endowment Program. As part of the legislation, Congress could set aside $100 million for the endowment for ten years. This endowment would generate about $10 million which would be divided equally to the regional centers to assure that there is operating support for programs to service Indian needs.

The ten centers would be located across the country in New Mexico, Washington, Alaska, California, Minnesota, New York, Oklahoma, North Carolina, North Dakota, and Montana. These states are proposed because each has existing tribal facilities that could be developed into regional centers. They would serve as exhibition centers, research centers, publication centers, education centers, conference centers, and archival centers to provide a national distribution of the federal Indian cultural resources.

The Endowment fund would provide each center with one million annually for their programs. The Native American Cultural Services Program would provide technical assistance, production assistance, management training, and collection sharing. The Program could also develop long range fundraising campaigns to develop support for the regional cultural centers from private sources. After ten years, the $10 million reverts back to the federal treasury, and the private funding of the centers takes over. The participating tribes could contribute a share of the operating budget as well.

The Native American Cultural Endowment can effectively provide for a sustained development of Native American culture at the local level, while still maintaining an important relationship with the new national museum. There will be a substantial committment to success, and it will also allow for Native Americans to define and satisfy there own priorities in this area. The educational and historical resources of the Smithsonian will find greater audiences among Native Americans, and tribal facilities will be assured a long term future.

There must be a legal mandate to identify and address the cultural needs of Indian people on a national level. The new museum must have a new Indian agenda. Having Indians on the Board of Directors, or as middle level managers will not be enough to create significant Indian perspectives in the programs of the museum. There must be a committment to change. The institutions must change and meet the cultural challenge faced by the Native nations of today. Otherwise, the museum will be a tribute to once beautiful, but dead, culture.

D) CONCLUSION

Through this proposal, the federal government can assist in the cultural development of Indian communities in a real and positive way, it will consolidate services and save money on one level, at the same time it would invest money in a long range cultural program, with a built-in vehicle to develop private sector support.

The Heye Foundation can still be bailed out. Their operations will be saved and their New York facilites can be maintained according to the terms of the legislation and the working agreement between the two institutions. But more importantly, Indians will benefit directly. There needs to be another partner added to the plans. That partner will be the Indian nations that will be served by this proposal. They will have a firm and legitimate role in the programs of the new museum, and they will be able to address their diverse regional needs.

Indians will more responsive to the new national museum if the new national museum commits time, money and resources to service the critical cultural needs of Indian people at the local and regional level.

If we have regional centers that are managed by Indians to meet the needs of Indians, we can have a real impact on the future of the Native nations. With the programs that I have suggested, Indians might even be able to stand the fact that a cowboy will direct the national Indian museum.

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Sacred Trust: Cultural Obligation of Museums to Native People

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ERASING THE STEREOTYPES

RICK HILL

For over 100 years, Native people have tried to get the international museum profession to address essential concerns of the ethics of the sacred trust that cultural institutions have to their public.

Museums are often seen as the keepers of culture by the dominant society, a place where the heritage of the people can be preserved for the sake of future generations. Indians are often seen as a people caught between the cultural void of the romance of the good old days (pre-1492) and the realities of the modern, "civilized" world. We hardly ever think of Indians as a significant constituency of museums, we see Indians as suppliers of artifacts, crafts, paintings and an occasional dance or two.

For over 100 years, however, Native people have tried to get the international museum profession to address essential concerns of the ethics of the sacred trust that cultural institutions have to their public. That sacred trust is not only the legal obligation that museums have to make collections accessible, it is a moral imperative that Native people find lacking. Just as Indians attached spiritual significance to the treaties and agreements that were concluded between our governments, we also place a sacred trust in the idea that museums are intended to help our culture survive, and even grow.

The museums and cultural institutions have defined that sacred trust in such a way that it often defeats the spiritual/cultural function of the very Native objects that it attempts to preserve. We cannot overlook the historical roots of museums and the policies of acquiring Native materials, as they demonstrate the ethnocentrism of the white-dominated museum profession. This museum-myopia has the potential to actually destroy Native culture, rather than achieve the high-minded goals of preservation.

On the other hand, some museums have helped to safely store Native art/artifact for this generation of Native people, many who are now calling for the return of those objects to communities that produced them. Just as Canada repatriated its own constitution in order to verify a unique Canadian consciousness, First Nations, which predate Canadian confederation, want to apply that same thinking for the sake of their future generations. It is a moral, as well as a legal situation that needs some creative resolution, if museums are to truly fulfil their charge of cultural preservation.

The detractors of self-determination for First Nations, will raise several stale arguments:

* *Indians can't take care of themselves — afterall, they sold these things in the first place, and if we return these "treasures" they cannot properly care for them.*

Although proper storage, handling and security is also a Native concern, we must all understand clearly that not all Native objects were acquired in good faith. Many, if not the majority of museum specimens, were forcibly taken, war booty from the colonization of First Nations. The unethical acquisition of the material culture has become part of the oral history of First Nations, and the return of these ill-gotten gains has become a goal on the political agenda of aboriginal peoples.

Indian culture is dead, it died as soon as the white people arrived and altered Native lifestyles.

Although Native people also fear a North American Holocaust, culture is an everchanging system, determined by the people who live it. Canadians, usually those in positions of power, who insist on some kind of cultural purity for Indians as an acid test for our right to our own culture, are sadly mistaken.

Indian objects are part of the Canadian culture, and therefore, belong to all Canadians, and to deny the public with the opportunity to view them, is sacrilegious.

Although Native people agree that we have a common ground, the separate legal status of First Nations creates a need to recognize that each one has its own national patrimony and has a human right to define its group identity, cultural priorities and its national treasures on its own terms.

The needs of Canadian academe, in terms of research and education, are more important than the cultural needs of the First Nations.

While, there is much study, writing and exhibitions on Native arts and culture, there are serious questions about the effectiveness of such work. How well does Canada understand and appreciate

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Two Tsimshian Potlatch Masks collected by C. F. Newcombe in 1903, on display at the Thomas Burke Memorial Museum in Seattle

Deux masques de potlatchs Tsimshians recueillis par C. F. Newcombe en 1903, exposés au Thomas Burke Memorial Museum de Seattle

Native people? How well does the public understand important issues of the day, such as self-government, aboriginal rights, treaty rights, self-determination, or issues related to Native arts, education, and health. These are Native issues, with historical roots, and cultural values. However, the issue of museum responsibility does not have to be an either/or situation. There are plenty of areas in which a co-operative approach can benefit both Native and non-Native people.

Who has the legal right to possess human remains?

Is the decision to continue to desecrate Native graves, collect human remains, and to show Native skeletons to school children a racist policy, or a political policy? Regardless, it is a policy that denegates Native people, by subjugating their religious rights.

Just as some churches in Canada have issued official statements of apology for the past conduct of their missionaries, members of the museum community must reassess their attitude, funding priorities, and exhibition ethics toward the Native people of this country. The international museum community has responded to the increasing call for recognizing the national patrimony of indigenous cultures, even the U.S. has adopted a new policy that opens the door for repatriation, the return of human remains, and the right for a Native voice in determining what is taught about tribal peoples.

When archeologists discovered the remains of American soldiers near old Fort Erie last summer, it became an immediate political issue as to what was the proper thing to do. Within days it was agreed that the identifiable remains would be returned to the United States, for "proper reburial", with full military honors.

No one wanted to rock the international boat. No one said that the remains were essential to Canadian academe, although the American bones would be studied until they were to be returned. The point is that if they were Indian remains, no call would have gone out. Americans have a political and moral right to the remains of their ancestors, Indians in Canada do not. Why not?

What are the politics of collecting Native materials?

Museums in Canada, until very recently, have had a very dubious, and some say, diabolical, collecting policy when it comes to acquiring Native materials for their collections. We should all be aware of the legacy of collecting that is best illustrated in the case of the Northwest Coast people, and how their national patrimony ended up in museums around the world. It is not one of this country's finest moments.

Although we now honor the totem pole as a unique part of Canada's heritage, this was not always the case. Early missionaries, teachers, soldiers and government agents had the express job of removing the Indian from his/her Native culture. This was done with canon law, Victorian education, and federal policy. There was also an assumption that Indians would be better off not being Indians, so that all "pagan" trappings should be removed to liberate the Indian people from their inferior culture. The religion of the Native people was attacked. Their objects of religion were forced from the communities.

The government policy was to forbid Native ceremonies, subjecting those that worshipped in the ways of their ancestors to fines and imprisonment. People went to jail for using the actual objects that you can now see in most of the major museums in Canada. Ceremonial objects were confiscated and sold to collectors or museums. Native people were coerced into selling their property, totem poles were removed, potlatches were forbidden, and the national patrimony of the First Nations became dispersed across the globe.

Early collecting policy did not take into account human rights, religious rights, aboriginal rights, or even an ethical accounting for the impact of these actions. Today we have to atone for those past sins. We must recognize that culture is a birthright, and that First Nations have their own cultural institutions to perpetuate their own culture. Those institutions are the clan, the societies, as well as the tribal cultural centres.

When the Canadian Museum of Civilization decided to buy back those Native objects that went overseas, they created quite a furor in the international market of Native art. Determined to regain title to "national patrimony" the museum purchased Native objects at unheard of prices and, some say, set off an artificial price spiral that has only increased the flow of Native objects to the lucrative auction block. While it was important to reacquire some of the objects, no one could have anticipated such dramatic results.

It also raised the culture price tag in this country. As Native people press their demands for the return of cultural patrimony, museums often state that the objects in question are worth a lot of money on the open market, and that they cannot afford to give them up.

While some museums have deaccessioning by-laws, they claim that they cannot betray a public trust — that the objects now belong to all Canadians, and they cannot be taken from the public domain.

In this way they portray Native people as antagonists, who are trying to deny non-Natives access to the ceremonial objects as if it were "Un-Canadian".

Does the public have a right to know all, to see that which another culture considers too sacred to show, to possess another's cultural/spiritual legacy? The politics of collecting Native materials has a very checkered past. We can't change that, but we can change the impact that such actions will have on the future generations of Native people. We must begin to recognize that culture is a living, daily activity, manifested in human relationships, in dance, in art, in ceremony. It is time that we celebrate all cultures and help the First Nations to enjoy their cultural heritage on their own terms. Maybe that will be the true legacy of Canadian culture.

PREPARED STATEMENT OF GEORGE HORSE CAPTURE

I WOULD FIRST LIKE TO THANK THE CHAIRMAN, SENATOR INOUYE AND THE ESTEEMED MEMBERS OF HIS COMMITTEE, FOR INVITING ME TO TESTIFY HERE TODAY, ALL THE WAY FROM INDIAN COUNTRY. THIS IS JUST ANOTHER SIGN OF THE GOOD WORK DONE BY THIS COMMITTEE.

I WOULD LIKE TO BRIEFLY PROVIDE SOME OF MY BACKGROUND SO THAT MY TESTIMONY CAN BE PUT INTO THE PROPER PERSPECTIVE. I AM A GROS VENTRE INDIAN BORN ON THE FORT BELKNAP RESERVATION IN MONTANA, AS A FATHER, GRANDFATHER, VETERAN, HOLDER OF A BACHELOR'S AND MASTER'S DEGREE, AND A PRACTITIONER OF TRIBAL CEREMONIES, I HAVE BEEN A CURATOR AT THE PLAINS INDIAN MUSEUM OF THE BUFFALO BILL HISTORICAL CENTER IN CODY, WYOMING, FOR THE LAST TEN YEARS.

AS ONE OF THE FIRST FULL-TIME, HARD-MONEY AMERICAN INDIAN CURATORS IN THE COUNTRY, I AM WELL AWARE OF THE MANY MUSEUM-RELATED ISSUES FACED BY OUR INDIAN COMMUNITY. AS A CURATOR I HAVE DEALT WITH MANY OF THESE ISSUES ON A FIRST-HAND BASIS. FOR EXAMPLE, UPON COMPLETION OF OUR NEW MUSEUM IN 1979, THE BUFFALO BILL HISTORICAL CENTER ESTABLISHED AN INDIAN ADVISORY BOARD FROM RESPECTED MEMBERS OF THE TRIBES OF THE REGION TO LEARN MORE ABOUT THE INDIAN PEOPLE, TO SEEK THEIR WISDOM AND COUNSEL ON DISPLAY CONTENTS, AND PHILOSOPHY AND OTHER MUSEUM-RELATED MATTERS, AND TO LEARN HOW TO ASSIST AND WORK THE COMMUNITIES ON MUTUALLY-BENEFICIAL PROJECTS. THIS RELATIONSHIP HAS GROWN OVER THE YEARS AND WORKS WELL TO THIS DAY.

ONE OF MY FIRST ACTIONS AS A CURATOR WAS TO ESTABLISH A "SACRED ROOM." IT WAS HERE THAT THE RELIGIOUS ITEMS FROM THE COLLECTION WERE PLACED TOGETHER, SEPARATE FROM OTHER MATERIALS TO AFFORD

THEM RESPECTABILITY AND SECLUSION. THE GENERAL PUBLIC IS NOT ADMITTED TO THIS SPECIAL AREA -- ONLY INDIAN RELIGIOUS PRACTITIONERS, SCHOLARS, AND FELLOW MUSEUM PROFESSIONALS CAN ENTER TO SEE, LEARN AND PRAY.

JUST TWO YEARS AGO, AFTER A TRIBAL REQUEST AND SUBSEQUENT MUSEUM DELIBERATIONS, A VITAL SACRED OBJECT WAS RETURNED TO THE CHEYENNE INDIAN PEOPLE AND NOW OCCUPIES ITS RIGHTFUL PLACE IN THE CHEYENNE PEOPLE'S SACRED ARROW BUNDLE. SO, WE HAVE EXPERIENCED REPATRIATION AS WELL.

WE ALSO EXPERIENCE THE JOY OF INDIAN CELEBRATIONS, AND ARE PROBABLY THE ONLY MUSEUM IN THE COUNTRY THAT HAS ITS OWN SPECIAL GROUNDS FOR INDIAN CELEBRATIONS. DURING THE LATTER PART OF NEXT MONTH WE WILL CELEBRATE OUR EIGHTH ANNUAL PLAINS INDIAN POWWOW IN OUR JOE ROBBIE POWWOW GARDENS. SO, THANKS TO AN ENLIGHTENED DIRECTOR AND BOARD OF TRUSTEES WE HAVE SUCCESSFULLY EXPERIENCED A NUMBER OF SITUATIONS THAT BRINGS US EVER CLOSER TO THE INDIAN PEOPLE.

OVER THE YEARS, IT SEEMS LIKE FOREVER, WE, IN INDIAN COUNTRY, HAVE BEEN HEARING STORIES ABOUT NEGATIVE CONDITIONS AT THE HEYE FOUNDATION WHILE ENDEAVORING TO ESTABLISH SOME SORT OF EFFECTIVE INDIAN REPRESENTATION AT THE SMITHSONIAN INSTITUTION. RECENTLY, SCRUTINY HAS INCREASED UPON BOTH OF THESE CULTURAL RESOURCE CENTERS AND CONDITIONS INDICATE THAT GREAT CHANGES ARE TO BE MADE. THAT IS WHY WE ARE HERE TODAY.

THE IDEA OF A NATIONAL AMERICAN INDIAN MUSEUM IS WONDERFUL AND ALMOST OVERWHELMING. HISTORICALLY WHENEVER INDIAN PEOPLE CAME TO WASHINGTON, THEY LEFT WITH LESS THAN WHAT THEY HAD UPON THEIR ARRIVAL. MAYBE THIS TIME IT WILL BE DIFFERENT. NOW THAT INDIAN PEOPLE ARE FINALLY INCLUDED IN OUR NATIONAL MUSEUMS WE MAY HAVE A LONG-TERM NATIONAL MECHANISM THAT CAN TEACH THE NON-INDIAN WORLD AT LEAST THE MOST FUNDAMENTAL TRUTH ABOUT THE AMERICAN INDIAN PEOPLE -- WE ARE ALIVE. NOT ONLY ARE WE ALIVE; BUT THERE IS MORE OF US NOW THAN THERE HAS EVER BEEN BEFORE. AND OUR NUMBERS ARE GROWING AND WE ARE PROUD TO BE INDIAN.

WE ARE COMPOSED OF MANY DIFFERENT ELEMENTS THAT MAKE US WHAT WE ARE. THIS COMPOSITION CAN COME UNDER THE TITLE OF CULTURE, AND INCLUDES OUR ART, MUSIC, LEADERS, RELIGIOUS BELIEFS, PHILOSOPHY AND MOST OF THESE ARE QUITE DIFFERENT THAN ANY OTHER GROUP ON EARTH. AS SUCH, IT SETS US APART AND SOMEHOW SEEMS TO INVITE RIDICULE BY THE DOMINANT SOCIETY. PERHAPS SUCH A NATIONAL AMERICAN INDIAN MUSEUM WILL DEVELOP GREAT EDUCATIONAL PROGRAMS IN ITS EXHIBITS AND OUTREACH PROGRAMS THAT WILL ACTIVELY COMBAT THE GROWING RACISM AS PRACTICED IN INDIAN COUNTRY -- FROM MONTANA TO MINNESOTA TO ARIZONA AND BEYOND.

RATHER THAN COMMENT ON ALL ASPECTS OF BILL S 1722, I WILL LIMIT MYSELF TO ONLY THOSE POINTS THAT I CONSIDER MOST URGENT.

AS I READ THE LATEST LITERATURE ON THIS TOPIC, AND I ASSUME IT HASN'T CHANGED MUCH SINCE A WEEK AGO, I COULD MORE CLEARLY UNDERSTAND THE MANY DIVERSE ASPECTS INVOLVED IN FASHIONING AN AGREEMENT BETWEEN THE TWO MAIN PARTIES INVOLVED -- THE HEYE

FOUNDATION AND THE SMITHSONIAN INSTITUTION. TUESDAY THE RADIO REPORTED THAT THESE TWO PARTIES SIGNED THE AGREEMENT TO TRANSFER THE COLLECTION TO THE SMITHSONIAN, THUS CONFIRMING THE AGREEMENT AND I DON'T KNOW IF THIS NEWS RENDERED MY UNDERSTANDING OF THE SITUATION MORE LUCID OR MORE CONFUSED.

NONETHELESS, IT IS A GREAT AND WONDERFUL ACTION THAT IS HAPPENING HERE AND TIME HAS SHAPED THE MATERIAL AND PEOPLE TO ARRIVE AT THIS STAGE.

IN SPITE OF THE SIGNED AGREEMENTS THE JOURNEY IS NOT YET COMPLETE. FOR IN THIS SITUATION THE KEY PERSONNEL INVOLVED AND HOW THEY ARE SELECTED ARE CRUCIAL TO ITS SUCCESS. INDIAN PEOPLE ARE VERY MINIMALLY REPRESENTED AT THE SMITHSONIAN INSTITUTION AND THE HEYE FOUNDATION, SO THIS NATIONAL AMERICAN INDIAN MUSEUM WILL BE A SHOWCASE OF THE INDIAN WORLD AND THEREFORE MUST BE STRUCTURED IN THE PROPER MANNER.

THE PRESENTATIONS OF THE MUSEUM SHOULD NOT BE SOLELY CONSTRUCTED, OR INTERPRETED BY PEOPLE, BOTH INDIAN AND NON-INDIAN, WHO LIVE IN NEW YORK OR WASHINGTON, DC, BUT SHOULD BE SHAPED BY THOSE LIVING IN INDIAN COUNTRY AND HAVE EXPERIENCED THE PAINS OF RACISM AND THE JOYS OF TRIBALISM. THESE ARE FUNDAMENTAL ELEMENTS THAT PRODUCE "INDIANNESS" AND THEY MUST FORGE THE NEW MUSEUM, EXPRESSING THE AUTHENTIC VIEWS OF INDIAN COUNTRY. IT HAS OFTEN BEEN SAID, WITH SOME JUSTIFICATION, THAT INDIAN PEOPLE ARE THEIR OWN WORST ENEMY. IN STRIVING FOR EQUALITY IN OUR LIMITED WORLD WE OFTEN CONFRONT ONE ANOTHER AND NEUTRALIZE EFFECTIVENESS. BECAUSE

OF THE IMPORTANCE OF THIS SITUATION I SINCERELY HOPE THAT WE CAN GET TOGETHER WITH ONE VOICE AND DEAL WITH THE PERSONNEL SITUATION AND GET JUST REPRESENTATION FOR ONCE.

TO BE THE MOST EFFECTIVE, ALL ACTIVITIES WITH THIS MUSEUM SHOULD BE AS FREE FROM POLITICAL INFLUENCE AS POSSIBLE. THE POSITION OF THE DIRECTOR SHOULD BE ADVERTISED NATIONWIDE AND NO SELECTION SHOULD BE MADE UNTIL THE MAJOR CANDIDATES HAVE BEEN FAIRLY INTERVIEWED NOT ONLY BY THE ADMINISTRATORS INVOLVED, BUT PERHAPS BY AN INDEPENDENT OUTSIDE BOARD THAT SOMEHOW REPRESENTS INDIAN COUNTRY. THIS BOARD SHOULD REPRESENT THE COMMUNITY, WHICH MEANS INCLUDING RELIGIOUS LEADERS, TEACHERS, LABORERS, AND ALL THE REST ON SOME PROPORTIONAL BASIS. IT SHOULD SOMEHOW REPRESENT ALL OF OUR INDIAN COMMUNITY AND NOT JUST A SELECT FEW.

RUMORS ALREADY ABOUND THAT BEHIND THE SCENES ACTIVITIES ARE ALREADY TAKING PLACE TOWARD SELECTING THE DIRECTOR OF THE NEW MUSEUM -- SOMEONE FROM OKLAHOMA IT IS SAID. IF TRUE, THEN THE NEW MUSEUM AND ITS ASSOCIATED ACTIVITIES DO NOT REPRESENT A NEW BEGINNING, JUST A CONTINUATION OF THE OLD. INSTEAD OF BEING AN HISTORIAN OR AN ANTHROPOLOGIST WITH THEIR ALLEGIANCE ELSEWHERE, THE DIRECTOR SHOULD, OF COURSE, BE AN INDIAN AS SHOULD THE MAJORITY OF THE OTHER ADMINISTRATORS AND CURATORS IF THE NEW MUSEUM IS TRULY GOING TO REPRESENT AMERICAN INDIANS. IN THIS MUSEUM "AMERICAN INDIANS" SHOULD BE GIVEN FIRST PRIORITY OVER THE OTHER DISCIPLINES.

ANOTHER LEVEL OF REPRESENTATION LIES WITH THE TRUSTEES OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN. I WOULD SUGGEST THAT THE

EX OFFICIO MEMBERSHIP, IN ADDITION TO THE SECRETARY OF THE SMITHSONIAN, SECRETARY OF THE INTERIOR, DIRECTOR OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES, AND THE LIBRARIAN OF THE LIBRARY OF CONGRESS, INCLUDE THE DIRECTOR OF THE NATIONAL ENDOWMENTS FOR THE ARTS BECAUSE THEIR ASSISTANCE WILL BE NEEDED BEFORE MUCH TIME HAS PASSED.

TWENTY-FOUR MEMBERS ON THE BOARD IS AN ADEQUATE NUMBER FOR THE SHARING OF MANY OPINIONS AND VIEWPOINTS. THE THIRTEEN INDIAN MEMBERS OF THIS BOARD MUST ALSO BE CHOSEN WITH GREAT CARE. THEY MUST BE SELECTED FROM THE INDIAN COMMUNITY AT LARGE AND NOT SELECTED ONLY BECAUSE THEY ALWAYS AGREE WITH SMITHSONIAN INSTITUTION OR THE HEYE FOUNDATION, BUT BECAUSE THEY REFLECT THE OPINION OF THE AMERICAN INDIAN COMMUNITY. THIS SELECTION PROCESS LEADING TO THE ULTIMATE COMPOSITION OF THE BOARD IS CRITICAL TO ITS SUCCESS. IF THE REGULAR, BETTER KNOWN INDIAN PEOPLE ARE SELECTED, SUCCESS WILL BE LIMITED AS SHOWN BY THE PAST, HERE AND IN OTHER PLACES. WE HAVE PLENTY OF PEOPLE ACROSS INDIAN COUNTRY WHO ARE WELL AWARE OF THEIR CULTURE, HISTORY, ART, AND HAVE STRONG AND WELL THOUGHT OUT POSITIONS ON HOW THEY SHOULD BE PRESENTED. SEEK THEM OUT AND LISTEN TO THEM.

ONCE AGAIN I SAY, THAT IN ORDER TO ACHIEVE THE FULL POTENTIAL OF THIS NEW MUSEUM, THE DIRECTOR AND TRUSTEES MUST TRULY REFLECT THE OPINION OF THE LIVING INDIAN WORLD. ONLY THEN CAN THE OTHER SUBJECTS IN THIS BILL BE DEALT WITH EFFECTIVELY AND MEANINGFULLY. THESE PEOPLE AND THE TASK FORCE CAN THEN FAIRLY DEAL WITH THE SKELETAL REMAINS ISSUE. THIS IS A SITUATION PRESSING UPON THE

MINDS OF THE INDIAN PEOPLE WHO ARE GRIEVED THAT THE BONES OF OUR GRANDMOTHERS AND ANCESTORS ARE NOT ONLY FAR AWAY FROM HOME BUT HAVE NEVER ACHIEVED THE PEACEFULNESS OF BURIAL. THEY ARE INSTEAD HANDLED AND MEASURED AND DRILLED IN THE ALLEGED QUEST OF SOME FUTURE KNOWLEDGE THAT WILL SOMEHOW ASSIST THE WORLD WHO, IN MANY CASES, HASTENED THEIR DEMISE. THE NEW MUSEUM MUST SPEAK FOR THE REAL INDIAN COMMUNITY WHO, ALMOST WITHOUT EXCEPTION, WOULD LIKE THE BONES OF THEIR ANCESTORS REBURIED ON THE MALL OR BACK HOME. LET THEM CONTINUE THEIR JOURNEY INTO THE EARTH AND SOIL WHENCE THEY CAME.

WHO WOULD HAVE THOUGHT TEN YEARS AGO THAT THE AMERICAN INDIAN PEOPLE WOULD NOT ONLY GET ONE MEMORIAL BUT TWO. AN ARTICLE IN TUESDAY'S NEWSPAPER REPORTED THAT A PRIVATE ORGANIZATION WILL BUILD A MEMORIAL TO THE AMERICAN INDIAN AT THE CUSTER BATTLEFIELD. SO, TWO MEMORIALS PROPOSED IN ONE YEAR IS ALMOST OVERWHELMING AND LONG OVERDUE.

AGAIN, THE ADMINISTRATION OF THE NEW MUSEUM MUST HAVE AN ACUTE AWARENESS OF HOW THE INDIAN PEOPLE SEE THEMSELVES AND NOT ONLY HOW SCHOLARS OR ART HISTORIANS SEE THEM. THE INDIAN COMMUNITIES MUST HAVE AN OPPORTUNITY AND A VOICE TO EXPRESS THEIR VIEWS IN SOME MANNER CONCERNING THIS MEMORIAL. I DO NOT THINK THEY WOULD LIKE AN INDIAN ON THE HILL PEERING INTO THE SUNSET WITH THE HANDS SHADING THE EYES, OR AN INDIAN ON THE HILL (IT SEEMS LIKE WE ARE ALWAYS ON THE HILL -- EXCEPT THIS ONE) ON A TIRED OLD HORSE ALL DROOPED OVER. WHAT TYPE OF A MEMORIAL WILL THE INDIAN PEOPLE ULTIMATELY WANT TO REPRESENT THEM IN THE NATION'S CAPITAL? NONE OF US KNOW, BUT WE SHOULD TAKE GREAT PAINS TO FIND OUT. AND THEN

FINALLY GIVE THEM THEIR MEMORIAL. IT WILL HELP OUR CHILDREN.

MOST OF THE STANDARD RESPONSIBILITIES OF SUCH AN INSTITUTION AS PRESENTED IN THE BILL ARE COMMENDABLE AS WELL AS ITS STRUCTURE WITH VARIOUS COMMITTEES AND THE TASK FORCE ACTING AS REPRESENTATIVES AND SAFEGUARDS. THE IDEA OF A PERMANENT REGIONAL EXHIBITION FACILITY IS A GREAT ONE. IT WILL NOT ONLY DECENTRALIZE THE FAR-OFF NATIONAL COLLECTIONS BUT BRING THE MATERIAL BACK INTO THE INDIAN COMMUNITIES BECAUSE ALL OF OUR PEOPLE CANNOT MAKE THE LONG TRIP TO WASHINGTON TO SEE THESE WONDERS. THE PACKAGE SOUNDS VERY EXPENSIVE.

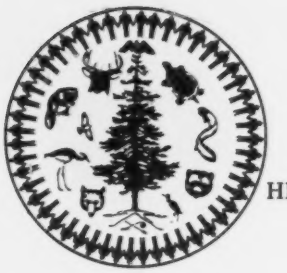
THE AFFILIATION AGREEMENT BETWEEN THE SMITHSONIAN AND THE HEYE FOUNDATION SEEMS COMPLEX AND IN SOME CASES UNTENABLE. APPARENTLY THEY HAVE REACHED AN AGREEMENT SO IT MAY BE A MUTE POINT.

IN CONCLUSION, S 1722 IS A GRAND BILL AND IF PROPERLY IMPLEMENTED WILL HAVE UNTOLD BENEFITS IN INDIAN COUNTRY AND THE WORLD FOR DECADES TO COME.

THANK YOU.

W. Horse Capture

Curator, Plains Indian Museum
Buffalo Bill Historical Center
P.O. Box 1000
Cody, WY 82414
307/587-4771



HAUDENOSAUNEE
ONONDAGA NATION
HEMLOCK ROAD - BOX 319-B - VIA NEDROW, NEW YORK 13120

May 11, 1989

Honorable Members of the Senate Select Committee
of Indian Affairs and;
Honorable Members of the Rules Committee

Greetings:

The Haudenosaunee Six Nations Confederacy continues to make the same reccomendations that we made in previous testimony on the same issues.

We are apprehensive of what will occur to our cultural property currently in the collections of the Heye Foundation and the Smithsonian Institution. We have made numerous requests for the repatriation of our cultural patrimony with little success.

The recent return of eleven wampum belts from the Heye Foundation collection was the culmination of almost a hundred years of effort on the part of the Chiefs of the Haudenosaunee.

On April eleventh of this year we made a formal request to the museum of The American Indian for the return of the sacred masks and wampum of the Haudenosaunee. We have attached the letter as part of our documentation to your committee. As of this moment we do not have a reply.

In 1987 we made a similar request to the Smithsonian Institution. We recieved a reply July 12, 1988 and we were told and I quote from the letter, " Our information suggests that the Haudenosaunee Council of Chiefs at the Onondaga Nation, New York is not the successor or official representative of the individuals or communities from whom these were aquired. Therefore, these materials would appear to fall outside the scope of your request". Signed Dean W. Anderson acting secretary.

This attitude is what makes us apprehensive of more of our cultural patrimony going into the hands of the Smithsonian. It is important for the committee members of this hearing to understand the intensity of feeling that Indian people have against museums who hold the bones of our ancestors and our national treasures. These angry feelings of frustration is exacerbated by responses like the letter from the Smithsonian Institution.

It is obvious to us that we need law to protect our human and group rights.

In previous testimony we said that we were concerned that the board of trustees reflect a majority of Native Americans and we continue to maintain that position.

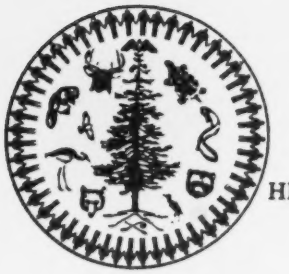
In previous testimony we said that having an American Indian Museum in the great metropolitan and political centers of America made sense and that a space in the New York Museum for the American Indian Community House also made sense since one should compliment the other.

We also advocated a sattelite program that would support museum programs out in Indian country that could also benifit from a rotating program. We know that major appropriations for this program will be needed and we would want to see Native peoples needs be met in the far flung reaches of the United States.

Finally we would want to see proper respect be paid to the contemporay indigenous peoples from whence these great collections came. We want this new idea to reflect not only the past, but the present, and most importantly the future of Native American Nations in this country.

Dawnaytoh,

Chief Oren R. Lyons
Onondaga Nation
Firekeepers of the Haudenosaunee



HAUDENOSAUNEE
ONONDAGA NATION
HEMLOCK ROAD - BOX 319-B - VIA NEDROW, NEW YORK 13120

April 11, 1989

Mrs. Wilmont H. Kidd III
Chairman, Board of Trustees
Museum of the American Indian
1088 Park Avenue
New York, N.Y. 10028

Dear Mrs. Kidd:

The Onondaga Council of Chiefs on behalf of the Haudenosaunee and our people request the return of the sacred masks and wampums of the Haudenosaunee that are now in possession of the Heye Foundation.

We are apprehensive of what will occur to the property of our people once the transfer of the Heye collection to the Smithsonian Institution takes place. Such a transfer will twice remove our property from our people.

We beleive that this would be the proper time to return this property to our people in the spirit of conciliation and repatriation that was so well served by the return of the wampum belts to our people in Oshweken.

The return of the sacred masks and wampums to the people of the Haudenosaunee would end the suffering that our people have endured over these many years. Help end the turmoil in our country over this issue, and help return peace and tranquility to our communities.

This request is the latest in a long history of requests that we have made for these particular sacred materials. We urge you to consider the moral and ethical principles inherent in our appeal and to reconsider your past policies in these matters. We believe that any movement of our property should be in our direction, that transfering our property to another entity would only exacerbate an already cloudy title.

We continue to stand by the statements made by our representatives at the Senate hearings on bills S. 1722 and S. 1723. There is no reason there cannot be two great museums in Washington D.C. and New York City, with a revolving exhibit policy to serve these two great centers of humanity.

Further consideration should be given to a satelite program that would service the vast regions of the United States and make available these great collections to people who may never reach Washington D.C. or New York City.

The Haudenosaunee would support such a program but only if our sacred materials were returned to us before a transfer of title takes place.

We are more than interested observers in the discussion taking place between your board and the board of the Smithsonian Institution over the transfer of the Heye collection to Washington D.C. We must continue to protect the interest of our people and we hope your reply will favor us.

Dawnaytoh,

Chief Irving Powless Jr.

Chief Irving Powless Jr.
Secretary Onondaga Nation

SMITHSONIAN INSTITUTION
Washington, D.C. 20560
U.S.A.

July 12, 1988

Mrs. Audrey Shenandoah
Secretary of the Haudenosaunee
Onondaga Nation
Hemlock Road, Box 319-B
via Nedrow, New York 13120

Dear Mrs. Shenandoah:

Please accept my apologies for the long delay in assembling and providing information in response to the requests of the Onondaga Council of Chiefs that you submitted last October. We have, however, only recently completed the search of our collections and records required to determine which Smithsonian objects fit the descriptions in your letter.

With regard to your first request, we have 48 masks identifed in the records as Iroquois. Of these, four do not appear to be "medicine" masks (two are made of leather, one of cloth, and one of turtle shell). Ten are Husk Face masks and 34 are wooden False Face masks.

A good many are documented as of Canadian origin - five of the Husk Faces and fourteen of the False Faces. An additional four of the Husk Faces and eight of the False Faces are documented as being from Cattaraugus or Allegany. Our information suggests that the Haudenosaunee Council of Chiefs at the Onondaga Nation, New York, is not the successor or official representative of the individuals or communities from whom these were acquired. Therefore, these materials would appear to fall outside the scope of your request.

Some of the remaining ten False Faces are documented only as "Iroquois, New York" or "Seneca, New York." All of these were acquired by bequest in 1931, and apparently left Indian ownership considerably earlier. Thus, it is extremely unlikely that anyone could now identify their precise provenience, although we would welcome any information you might have. Specifically, it would be helpful if you had information on whether they originated in a community affiliated with the Council of Chiefs at Onondaga, or, for example, from the Seneca Nation at Allegany or Cattaraugus.

Remaining, then, as possibly falling within the scope of your request are two False Faces (catalog numbers 248,702 and 248,706) and one Husk Face (catalog number 361,204), all three documented as originating from the Onondaga of New York. We have none from Tonawanda or other New York communities affiliated with your council.

The Husk Face was received by bequest in 1931. Like many other Husk Faces dating from 1931 and for many years subsequently, it appears to have been individually owned and could be transferred without religious consequences. In fact, the masks may very well have been made for sale. The Smithsonian acquired the two False Faces by exchange from George Heye in 1908. How he acquired them is not known, but it was common practice and considered appropriate during that era for False Faces to be transferred by individual Indians to non-Indian ownership. Furthermore, many False Faces were made for sale and never used as medicine masks. Even for those used in ceremonial practices, the rituals and other occasions when such masks were used were not under the supervision or control of the Haudenosaunee Council of Chiefs but, rather, were matters governed by individuals, by the False Face Society, or by the Longhouse officials.

With regard to your second request, for "sacred wampum, beads, belts, and strings belonging to the Haudenosaunee," we can report, in summary, that we have none. Of the six wampum belts in our collection, two (362,065 and 362,068) are documented as Delaware; one (248,744) was collected before 1908 from the Chippewa, who supposedly received it from the Delaware; and one (391,891) is Wyandot, said to have been given to them by the Seneca in Ohio (thus before the 1830s) and presented by the Wyandot to a missionary in Oklahoma in the 1880s. Another, which was purchased in 1892, is documented as having originated with the Wyandot in Ontario, and has an unsubstantiated association with Tecumseh. Finally, one (201,156) comes from Moraviantown, the Delaware reserve in Ontario, and bears the initials "IGS" woven in, which are said (unreliably) to indicate an association with John Graves Simcoe, an early governor of Canada (whether given to him or by him is unclear).

As for strings of wampum, we have one (362,199) 44 1/2" long which is purported to be from the Iroquois of New York but the precise community is not known. We have several strings (391,948 - 391,953) collected on the Six Nations Reserve, Ontario, in 1928-29 by the Smithsonian anthropologist J. N. B. Hewitt. Many of them were reconstructed by him from beads and information that he acquired there. Finally, a wampum necklace (303,686) and wristlet (303,687) from the Indians of Maine are not Haudenosaunee.

We are unable to respond to your third request, for "other sacred objects of the Haudenosaunee," because we are uncertain what kinds of objects you consider to be sacred. If, however, you can be more specific, we will be glad to share information with you.

Sincerely,

Dean W. Anderson
Acting Secretary

The North Carolina Indian Cultural Center, Inc.

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Lumbee Regional
Development Association
Pembroke

Development Director
Dr. Helen M. Scheirbeck

Statement of

Dr. Helen Maynor Scheirbeck

Development Director

North Carolina Indian Cultural Center

May 12, 1989

Good Morning, Mr. Chairman and members of the Select Committee on Indian Affairs.

What a magnificent day this is. This very hearing idicates that America is beginning through this proposed bill to affirm, honor, and respect the cultures and traditions of its Native people -- the American Indians, Alaska Natives, Aleuts,and Native Hawaiians.

You, Chairman Inouye have been an inspiring and determined leader in the struggle to get this nation and the Smithsonian to give America's native people a museum which will accurately interpret, share, and preserve our history and traditions for not only Indian children and all children in this land. Thank you for your unending persistence in this matter.

P.O. Box 1285 • Pembroke, North Carolina 28372 • Telephone (919) 521-2433

The bill before this committee today is of historic importance in that it calls for the establishment within the Smithsonian Institution, a National Museum of the American Indian and related items as a memorial to the American Indian.

The North Carolina Indian Cultural Center's Board of Directors supports this bill wholeheartedly. The Board believes that it is imperative that the United States have a National Museum of the American Indian, within the Smithsonian Institution, so that the cultural heritage and contributions of the American Indian can be understood and appreciated by all Americans as well as people around the world. Furthermore, this Board believes that this bill and its tenets of respect for American Indian cultures is long overdue in this nation.

The proposed bill illustrates in its findings - Section 2 - the many reasons why it is important to have a national museum devoted exclusively to the history and art of the cultures indigenous to the Americas. This section further identifies the important collection of the Museum of the American Indian, Heye Foundation, and illustrates the great potential for American educational, cultural, and

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scholarship sharing, if these collections are combined with those of the Smithsonian.

In addition, it would provide a holding place for many of the artifacts, crafts, and other objects of religious and cultural significance to be inventoried for sharing both with people in major cities, as well as in Indian communities, on Indian reservations, and in rural hamlets across this land.

All of us at the North Carolina Indian Cultural Center are pleased that you have noted the importance in Section 2, E, IV and V and that this Museum will provide curation and other learning opportunities for Indians, as well as, make traveling exhibits available to communities throughout the nation. It is important to remember that while Washington, DC is the hub of America's government, America's heart is all over this nation and sharing this legacy also must reach out to the entire nation.

Thank you also Mr. Chairman for remembering our ancestors whose skeletal remains are not only in the Smithsonian Institution but in Museums and anthropological laboratories all over this land. Our hope is that through this legislation measures will

be found to return those ancestral remains to their traditional homelands.

Mr. Chairman, the North Carolina Indian Cultural Center's Board is pleased to see a broad definition of Indian used in section 3, Items 1-5. Our concern earlier had been that all Indian people be able to participate in both the work of the Museum and be appointed to the Board of Trustees. You have answered that concern with the draft language in this section.

In reviewing the role and responsibilities of the Board of Trustee, I would like to recommend that under Section 5 (b), 4, you may wish to add an item I which would indicate the Board's interest in ensuring special training opportunities for Native peoples in Museum development, as well as archives and artifacts identification and preservation. I recommend a section concerning this matter because there are few trained Native peoples in these areas.

I would further recommend that the language in Section 5 (c) (1) (A) be simplified so that it is clear what the total number of individuals are to be appointed as the initial Board of Trustees. Then a statement on the number of Native Americans to be

appointed should be added. I would urge this committee to appoint a clear majority of American Indians to this Board. In the spirit of this proposed legislation, America is beginning to honor, respect, and learn of the heritage, history, and traditions of its native people.

Thus it would be appropriate and I urge the Committee to appoint Native Americans as a majority of the decision makers on the Board of Trustees.

Section 6 relates to the staff of the proposed National Museum of the American Indian. I encourage this committee to urge the Smithsonian to hire highly qualified people with a preference being given to hiring Native Americans.

Finally, Mr. Chairman let me strongly endorse Section 8 which deals with regional affiliates to the National Museum of the American Indian. This section will ensure that the rich legacy and resources of Native Americans of both the Heye Foundation and Smithsonian Institution will be made available to all the people of this land. I would hope, Mr. Chairman, that these affiliates would be selected based on their availability to a wide range of people, including Native Americans, and their commitment to

bringing an accurate interpretation and exhibition of Native American history, cultures, and traditions. The advisory committees proposed in this section are important and excellent vehicles for bringing native people into decision making at the state and regional levels.

Mr. Chairman, in North Carolina, we are developing a Cultural Center which will celebate the history, heritage, and culture of all Native Americans of North Carolina and the Southeast. This Center will become a major tourist enterprise by the year 2000 and will provide 500 full time jobs and 1,500 full time summer jobs. I wish to submit a fact sheet about the Center for the record and state that we hope to become an active partner with the National Museum of the American Indian. The Center has excellent participation from all the tribes in the state, as well as, state agencies, and the private sector.

Mr. Chairman, I have been involved in educating people - Indians and non-Indians about native people indigenous to the Americas all my professional life. I submit the bill under consideration here today with minor amendments as noted in this statement, should become law as soon as possible.

This bill, when enacted into law, has the potential for revolutionizing relations between Native Americans and other citizens in this land. It will give America a unique opportunity to begin understanding, learning, sharing, and respecting the many contributions of Indian ancestors to this nation. It will also give Native people a chance to learn more about our past and be proud of our history, traditions, and heritage. By interpretating both ancient and contemporary Indian customs and depicting where and who contemporary Native peoples are, much can be done to erase old wounds and correct present stereotypes. This Museum and its work can do much to build a strong sense of pride and acceptance for Indian young people and unborn Indian generations.

Thank you Mr.Chairman and members of this Committee for your persistent leadership on this matter. I would be happy to respond to any questions you might have.

North Carolina
Department of Administration

James G. Martin, Governor
James S. Lofton, Secretary

N.C. Commission of Indian Affairs
A. Bruce Jones, Executive Director

Statement from Lonnie Revels, Chairman

North Carolina Commission on Indian Affairs

Good Morning; Mr. Chairman,

I am very happy to be here today to speak in favor of the proposed legislation to create and operate a National Museum of the American Indian, within the Smithsonian Institution. By way of introduction, I am Lonnie Revels, a "Lumbee Indian" from Greensboro, N.C. and Chairman of the State's Commission on Indian Affairs which represents all 65,000 American Indians living in our great state.

We feel the creation of this museum will correct a long standing deficiency in promoting the rich history, culture, and traditions of America's first citizens. While much is being done in some states, reservations, and communities, such as the development of the N.C. Indian Cultural Center at Pembroke and other tribal cultural centers around the country there is much which remains to be done. This national effort will support and enhance these local projects. The concept of locating the American Indian museum within the Smithsonian Institution complex on the National Mall will make it available to the millions of visitors to the capital each year, who have been denied the opportunity to

appreciate the rich legacy of the American Indians, Alaskan Natives, and Native Hawaiians.

We are especially please with the proposed creation of the museum affiliation of the national museum which will bring the benefits closer to the people of this country. These affiliates will facilitate the collection of and display of artifacts and objects and increase the number of viewers since many people do not have the opportunity to travel to Washington, D.C. We also support the traveling representative exhibits to schools, museums, and local communities to stress the rich cultural legacy of Native American people. We have done some of that in our State and I can say from personal experience that interest is enthusiastic, but we need the materials and support that will be provided by this museum and its affiliates.

We would like to request consideration be given to increasing the numbers of Native Americans on the Board of Trustees. Since this body will have primary responsibility for the development and operation of a facility dealing with our history, culture and legacy, what better group of people to decide on what and how to accomplish this than the Native American people themselves. We would also like to recommend that Indian preference policies in employment be adopted for the operation of the museum and its affiliates. We hope that when this Board of Trustees is constituted that Eastern Native Americans will not be overlooked as they have been in some instances in the past. Few people

realize that N.C. has the largest Native American population East of the Mississippi.

In summary, I would urge that approval of this bill by the Congress without significant changes, and further that adequate appropriations be made available for construction, operation of the National Museum and its affilicates. This educational and cultural effort to honor America's Native people is long overdue. It will be greatly appreciated by the Indian and non Indian citizens of this great nation. Again, thanks for this opportunity to address the committee. I would be happy to respond to any questions.

Written Testimony of

Barber B. Conable
President, The World Bank*

for hearings of the

Select Committee on Indian Affairs and the
Committee on Rules and Administration
United States Senate

May 12, 1989

Mr. Chairmen, Members of the Select Committee on Indian Affairs and the Committee on Rules and Administration:

I would like to go on record in support of the establishment of a National Museum of the American Indian within the framework of the Smithsonian Institution, pursuant to an agreement worked out among the Smithsonian Trustees, the Trustees of the Museum of the American Indian, Heye Foundation, and officials of New York State, New York City and the New York State delegation in Congress. I understand that legislation embodying this agreement is to be drawn and presented by your Committees, for as expeditious enactment and funding as the processes of the Congress will permit. I believe this should be a matter of high legislative priority. I personally have worked to reach such an end since 1981, and I am gratified after all this time to find the necessary elements of support finally present. This is in no small part due to the interest of the Select Committee on Indian Affairs and especially its distinguished Chairman.

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* The opinions herein in no way represent those of The World Bank, nor do they relate to my former status as a Member of the House of Representatives from New York. They are my personal views, as former Chairman of the Board of Trustees of the Museum of the American Indian.

As a person knowledgeable about the Heye collection, and as a concerned American, I believe the prominent and accurate display of American Indian heritage in a national location would be an act of historical justice.

Without the least exaggeration, the collection of Western Hemisphere cultural artifacts put together by George Gustav Heye and dedicated as the Museum of the American Indian in 1916 is the most important single physical manifestation of the heritage of Native Americans available in our time. Mr. Heye, a compulsive acquisitor, dedicated his fortune and his energies over a period of 60 years to the accumulation of more than 1,000,000 items of artistic, cultural and historical significance of native manufacture. This feat could not be accomplished today at any price, and so the collection is literally priceless. It is also remarkably diverse, but of the highest quality. It has had the best care possible considering the virtual absence of effective endowment, adequate display or storage space, and impossibility of generating significant admissions income in its present location at 155th and Broadway, New York City. That the collection has survived relatively intact is a tribute to a handful of generous and devoted people, notable among them the current Museum Chairman, Mrs. Julie Kidd, and the courageous and tenacious Director, Dr. Roland Force. For financial reasons, the Museum has been tragically understaffed for years. Conservation work is needed without delay.

This collection should be physically located on the Mall at Washington. The North American part of the collection constitutes its most important portion. That we have a National collection of Far Eastern Art, of Middle Eastern Art, of African Art, etc., but no National Collection of the American Indian, is a disgrace. Many diversities make up the American culture, but one element unique to our country is provided by those who did not have to immigrate. Remnants now, their impact on our society and our history while the uniqueness of America was being created, cannot be doubted and probably was as great as the land itself. We often refer to the "frontier" element in American character; the frontier was the product of a cultural confrontation we will not understand if we continue to choose to ignore one half of the cultural elements present.

The agreement that makes this legislation possible, is wisely cast. To honor the spirit of Mr. Heye's original trust, it is appropriate to maintain a significant exhibition in New York City. Mr. David Rockefeller and President Reagan were instrumental in identifying the United States Customs House on the tip of Manhattan Island as an appropriate location, and 75,000 square feet of display there will yearly acquaint hundreds of thousands of New Yorkers and visitors with the educational potential of the collection. Even if as much as 250,000 additional square feet of display is included in the Mall building in Washington, the collection is so large that many travelling exhibitions can still be sent to the Indian Reservations across our Country to inform Native Americans of the richness of their ancestors' cultures.

Mr. Chairmen, the separate governing bond subject to Smithsonian control which the agreement contemplates should be preserved in the legislation. Native Americans should be encouraged, along with scientists, historians, anthropologists and public-spirited Americans, to participate in this way. One last point: existence of this museum in Washington on a stable basis will pay an unforeseen dividend for the future. Many interested Americans have studied and collected within the fascinating and unique cultures of the American Indians. This collection, because of its quality, will be a magnet for donations which will give the Museum a dynamic beyond the results of future field and archaeological expeditions. Not just the Indians, but all Americans, will be able to point with pride to a great and growing, uniquely American, institution.

**Statement of Senator Gorton
on a bill to establish a
National Museum of the
American Indian
S.978**

Mr. Chairman, I am pleased to join my other colleagues on the Committee as a cosponsor of this Legislation to establish within the Smithsonian Institution a National Museum of the American Indian. Bringing together the collection of the Museum of the American Indian, Heye Foundation, and the Native American collection of the Smithsonian Institution would truly create the world's greatest collection of American Indian Artifacts.

The Smithsonian Board of Trustees has found this collection to be of such priceless value, they have gone on record favoring the transfer of this collection to Washington, D.C.

This bill would provide a suitable location for the National Museum of the American Indian and would give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Indians. We can educate all our citizens about the Indian tribes and people, and acknowledge their many contributions to our society. And what better location for the construction of the Museum of the American Indian than right here on the Mall -- a location offering both national and international exposure.

I commend the trustees and staff of the Heye Foundation Musuem for their generosity in offering this collection as part of the Smithsonian Institution. I also commend the tireless efforts of the Smithsonian Institution and Chairman Inouye for bringing this proposal before us today.

Thank you, Mr. Chairman.

The George Gustav Heye Center

of the

National Museum of the American Indian

March 15, 1989

Presented here is a conceptual option for space allocation for the center in New York. This option assumes the U.S. Custom House as the site, and uses primarily its first and basement levels. The areas and costs shown represent flexible ranges.

To facilitate discussion and to base areas and costs on reasonable assumptions, the staff of the Institution has developed a program model using a variety of existing and proposed museum functions as a base.

Custom House Concept

Concept Assumptions

The Custom House is a GSA-operated seven-story building with a basement and sub-basement levels. It has been partially renovated by GSA to receive new tenants. The building exterior appears to be in good condition and new insulated glass windows have been installed. The exterior walls are primarily of heavy stone, clay tile, and plaster-lathe construction. The interior partitioning appears to be clay tile and plaster-lathe. Many of the interior halls are finished with marble, have ornate architectural detailing, and are penetrated with multiple doorways and interior windows. The heating, ventilating, and air conditioning (HVAC) plant is capable of providing an office environment for building tenants. GSA has refurbished and updated the passenger and freight elevators and installed new fire stairs to meet today's codes. A new shipping and receiving area has been created and the restroom facilities have been completely redone. GSA maintains a control room in the northeast corner of the first floor level.

Most of the unoccupied spaces are in a raw condition, and all finishes will need to be provided. Much of the plaster still remains on the walls and the original marble flooring remains in the haliways. Basic heating and fire protection devices have been installed. Security modifications will be necessary before museum artifacts can be received and displayed.

The basis of this program is that the museum facilities use as much of the first floor level as possible, and use the basement level for areas not needed to be located in the museum's major activity areas. This is illustrated on the concept floor plans that follow these assumptions and the concept program. The first floor is readily accessible from the street level making visitor access, particularly handicapped access, direct and efficient. Restricting the museum to one floor also simplifies museum security and HVAC requirements. Even though the museum system may use a building energy source for HVAC, an independent system is assumed to assure a quality environment, long life, and reliability. Another assumption is that the building electrical system is based on commercial or office needs. Some adjustment will be required to meet the power and lighting needs of a museum.

Exhibition Areas are shown in the central portion of the first floor level. These large open spaces are the most conducive to accommodating a variety of exhibit arrangements. Other Public Facilities Areas and Museum Support Area spaces are located in the perimeter areas and have ready access to the Exhibition Areas. The temporary exhibition areas are placed so that they can be closed for reinstallation without disrupting the permanent exhibition area. It should be noted that the south portion of the oval area in the permanent exhibition area is not now part of the existing building square footage. This area is now open to the basement level courtyard area. This program "recovers" that square footage by decking over the basement area to the existing structure and enclosing the first floor space.

An unfortunate aspect about the exhibition spaces, as well as the entire building, is that no vapor barrier exists. This barrier is necessary to maintain the constant humidity level most artifacts require. With no air-tight barrier, water vapor in the museum environment would condense within the cooler exterior walls and cause extensive damage. Although impractical for the entire floor, some attempt will be made enclose the central exhibition areas within a newly created vapor barrier, that is, the oval area of the permanent and the temporary exhibition areas. This could be achieved by creating false walls which include a barrier at the existing perimeter walls. This wall could also resolve another problem associated with the numerous windows in the exhibition areas. In most cases natural light is not desirable in exhibition situations. It hampers flexibility in the exhibit design and, if not filtered, can be harmful to the collection. The windows, although new and insulated, represent an energy loss or "weak spot" in the building envelope. An extra layer of insulation will be added in the false wall. A vapor barrier also could be included during the installation of the new floor, ceiling, and lighting. Because security devices will be installed at each window, access panels will be required. It is important to note that the barrier must be airtight, and some accommodation to this must be made at the entrance to the exhibition area. Doors may need to be added to contain the exhibition area humidity level.

The extreme north exhibition area could also receive the same treatment. However, the exhibition area shown in the first floor lobby area should be limited to informational-type exhibits with no sensitive artifacts or exhibits using artifacts in climate controlled cases. This space has much architectural detailing and would be extremely difficult to separate from the main body of the first floor.

If after further investigation the preceding scenario is found impractical, then the HVAC system can be designed to eliminate sudden and extreme shifts in humidity level which has been found an acceptable alternative by some for museums housed in older buildings. Extremely sensitive artifacts can be placed in climate controlled cases. This alternative is now being planned for the National Museum of Natural History.

The main entrance to the museum is in the northwest corner of the building. This side corner is the best exposure to the open spaces of the plaza in front and the park on the west of the building. The entry is almost at grade level and construction of a handicapped ramp should pose no problem. The possibility of automatic door openers for the existing doors will be investigated. The museum shop and coat check area have been located immediately after entering. This allows the visitor to relieve themselves of coats and packages before entering the museum proper and allows others to use the shop without entering the museum. No shop or coat facilities exist in the space now. Complete renovation is needed and should include the necessary security requirements.

Little change is anticipated in the lobby area. It is seen mostly as an orientation and information area. Visitors will be directed either to the exhibition areas or to the education center areas. Existing restrooms are just off the lobby and are adequate for the public. They have been equipped for the handicapped.

The education center office and classroom areas are grouped together as a unit while the storage area is located near the shipping and receiving area. The education center areas will need to be completely renovated with some consideration for built-in storage in the classrooms. Auditorium facilities are included in this program only in the sense that the institution would encourage GSA as the owner to develop these facilities in the basement and sub-basement areas immediately under the oval rotunda area. This facility could not only be used by the institution but also by other building tenants and perhaps those outside the building.

Administration facilities are located on the east side of the building and have direct access to the exhibition areas. Public access to the administration facilities in only through the GSA entrance. This arrangement will help prevent visitors from accidently wandering into unauthorized areas. These areas will need overall renovation to a top quality office environment.

Both the exhibition and collection support areas have been placed at the rear of the building close to the shipping and receiving area. These areas are not public access areas and are often in receipt of artifact or material shipments. An employee entrance is anticipated either at the east or west side door. Exhibition support will need some large open space for exhibit staging as well as some office, shop, and storage areas. Some provision for the use of power tools should be assumed. This should include adequate electrical power and a proper dust collection system. The collection support area will need an environmentally controlled storage area for registering artifacts before their use in exhibits. The collection support area will include space for crating and uncrating, and again the use of power tools should be anticipated. Both areas will need complete renovation. The present shipping and receiving area has been renovated and is maintained by GSA and is shared by all the building's tenants. This program assumes that arrangement will continue in the future.

Most of the security and building services facilities have been located at the basement level. These types of facilities, locker rooms, lunch rooms, etc. are better suited out of the major activity areas. Because the nurse's facility, computer room, and control room may work more closely with major activity areas, they have been located at the first floor level. All areas will be completely renovated. A substantial mechanical/electrical area has been located in the sub-basement area, close to the building's system. This reflects the assumption that some independence will be necessary in operating the museum's systems. Further investigation will be needed.

Concept Program

The following concept program is based on the preceding assumptions and typical staffing levels for a museum of this size and nature. The square footages indicated by the program do not match exactly those of the concept plan. In most cases the plan, if scaled, will indicate a larger square footage. The total net square footage at the end of the program has been multiplied by a "net to gross" factor of 1.5. A factor this large is not unusual when trying to fit a new facilities program into an older building. It also takes into consideration circulation and utility spaces not reflected in the program.

I. Exhibition Areas (Subtotal: 18,700 sf)

A. Permanent Exhibition *(14,200 sf)*
B. Temporary Exhibition *(4,500 sf)*

II. Other Public Facility Areas

A. Visitor Service Facilities (Subtotal: 2,950 sf)
1. Lobby/Orientation/Telephones *(1,200 sf)*
2. Public Restrooms *(750 sf)*
3. Coat and Package Check *(400 sf)*
4. Entry Area *(600 sf)*

B. Museum Shops (Subtotal: 1,500 sf)
1. Sales Area *(700 sf)*
2. Office/Storage *(800 sf)*

C. Education Center (Subtotal: 2,250 sf)
1. Staff Areas
   a. Docent Supervisor/Trainer's Office *(150 sf)*
   b. Assistant Supervisor's Office *(100 sf)*
   c. Guides' Workstation Area *(4 @ 75 sf = 300 sf)*
   d. Docents' and Guides' Lounge *(100 sf)*
2. Classrooms/Workshops *(3 @ 400 sf = 1,200 sf)*
3. Storage *(400 sf)*
4. Auditorium Facilities *(developed by GSA, share w/building)**
   a. Lobby
   b. Auditorium
   c. Restrooms
   d. Projection Room

III. Museum Support Areas

A. Administration Facilities (Subtotal: 2,400 sf)

1. Director's Office *(250 sf)*
2. Administrator's Office *(150 sf)*
3. Office Manager's Office *(150 sf)*
4. Accounting Assistant *(150 sf)*
5. Public Affairs Officer's Office *(150 sf)*
6. Secretaries (3) Area *(3 @ 100 sf = 300 sf)*
7. Reception and Storage *(200 sf)*

8. Conference/Workroom *(200 sf)*
9. Kitchenette/Lunch Room *(100 sf)*
10. Staff Restrooms *(750 sf)*

B. Exhibition Support Facilities (Subtotal: 3,000 sf)
1. Support Staff Area
   a. Audio-visual Workshop/Storage *(400 sf)*
   b. Projectionist Workshop/Storage *(200 sf)*
   c. Exhibit Designer Studio *(200 sf)*
   d. Technical Support and Repair Area *(400 sf)*
2. Exhibit Staging Area *(1,200 sf)*
3. Prop/Tool Storage Area *(600 sf)*

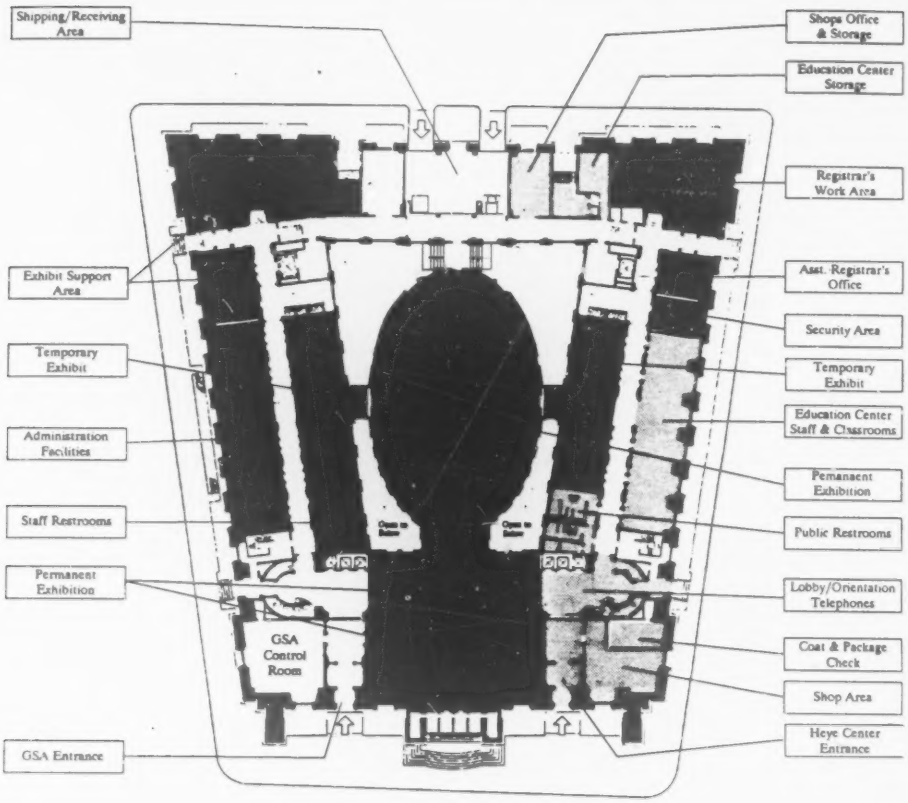
C. Collection Support Facilities (Subtotal: 1,850 sf)
1. Registrar's Office *(150 sf)*
2. Assistant Registrar's Office *(100 sf)*
3. Registration Work Area *(200 sf)*
4. Crating/Uncrating/Inspection Area *(1,400 sf)*
5. Shipping and Receiving Area *(developed by GSA, shared w/building)**

D. Security Office (Subtotal: 1,600 sf)
1. Security Supervisor's Office *(100 sf)*
2. Sergeant's Office *(100 sf)*
3. Computer Room *(150 sf)*
2. Control Room *(100 sf)*
3. Nurse's Facility *(200 sf)*
3. Break Room *(100 sf)*
4. Lockers/Restrooms *(700 sf)*
5. Alarm Maintenance/Storage Rooms *(150 sf)*

E. Building Services (Subtotal: 3,700 sf)
1. Superintendent's Office *(150 sf)*
2. Custodial Workshop *(300 sf)*
3. Staff Area *(200 sf)*
4. Lockers/Restrooms *(300 sf)*
5. Storage *(250 sf)*
6. Mechanical/Electrical Area *(2,500 sf)*

Total Square Footage: 37,950 sf x 1.5 = 56,925 gsf*

* Note: Auditorium Facilities, approximately 14,000 sf, and the Shipping and Receiving Area, approximately 3,000 sf, are in addition to the total for the Center.



First Floor Plan

KEY PLAN

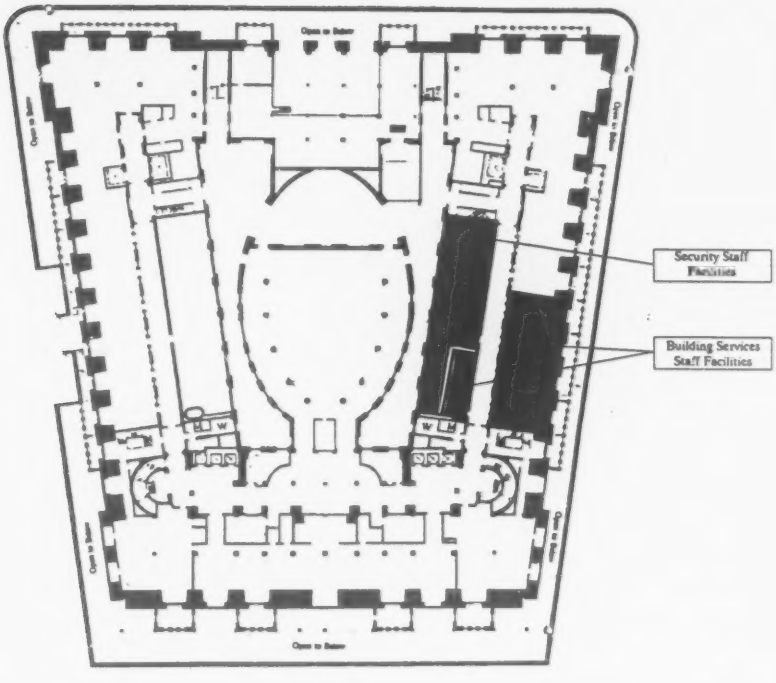
Exhibition Area

Other Public Facility Areas

Museum Support Areas

6

3-15-89



Basement Plan

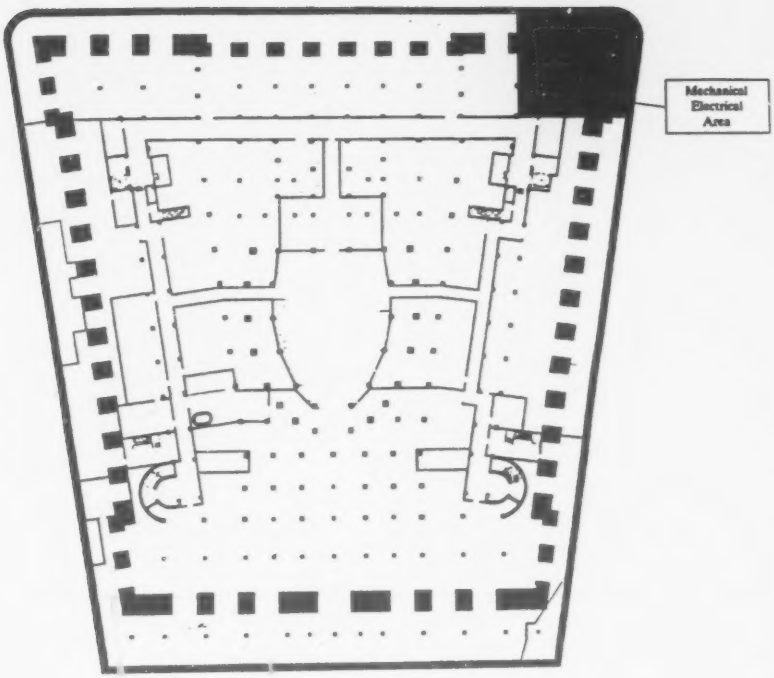
KEY PLAN

Exhibition Area

Other Public Facility Areas

Museum Support Areas

3-15-89



Sub-Basement Plan

KEY PLAN

Exhibition Area

Other Public Facility Areas

Museum Support Areas

3-15-89

Square Foot Comparison

Note: Figures are estimated and are intended to show an order of magnitude. The column entitled "Exhibition Areas" offers the best comparision of facilities because many of the facilities contain large collection storage areas in the Museum Support Areas. Exhibition Areas figures are listed in ascending order.

Facilities	Exhibition Areas	Other Public Facility Areas	Museum Support Areas	Total Square Footage
Cooper-Hewitt Museum	11,000	2,000	48,000 *	61,000
IBM Gallery, NYC	13,000	4,500	3,000	20,500
Museum of the American Indian (existing)				
Museum Building	15,300	400	24,300	40,000
Research Branch	0	0	45,000	45,000
Library	0	1,200	11,300	12,500
Subtotal	15,300	1,600	80,600 *	97,500
Renwick Gallery	17,000	7,000	14,000	38,000
Custom House Program **				
Heye Center	28,050	10,050	18,825	56,925
HC/GSA	to be determined	21,000	4,500	25,500
Subtotal	28,050	31,050	23,325	82,425
National Museum of African Art	24,500	11,500	71,500 *	107,500
Sackler Gallery	26,000	11,600	72,000 *	109,600
Freer Gallery of Art	32,000	10,500	25,500 *	68,000

* Includes collection storage areas.

** Figures include a "net to gross" factor of 1.5.

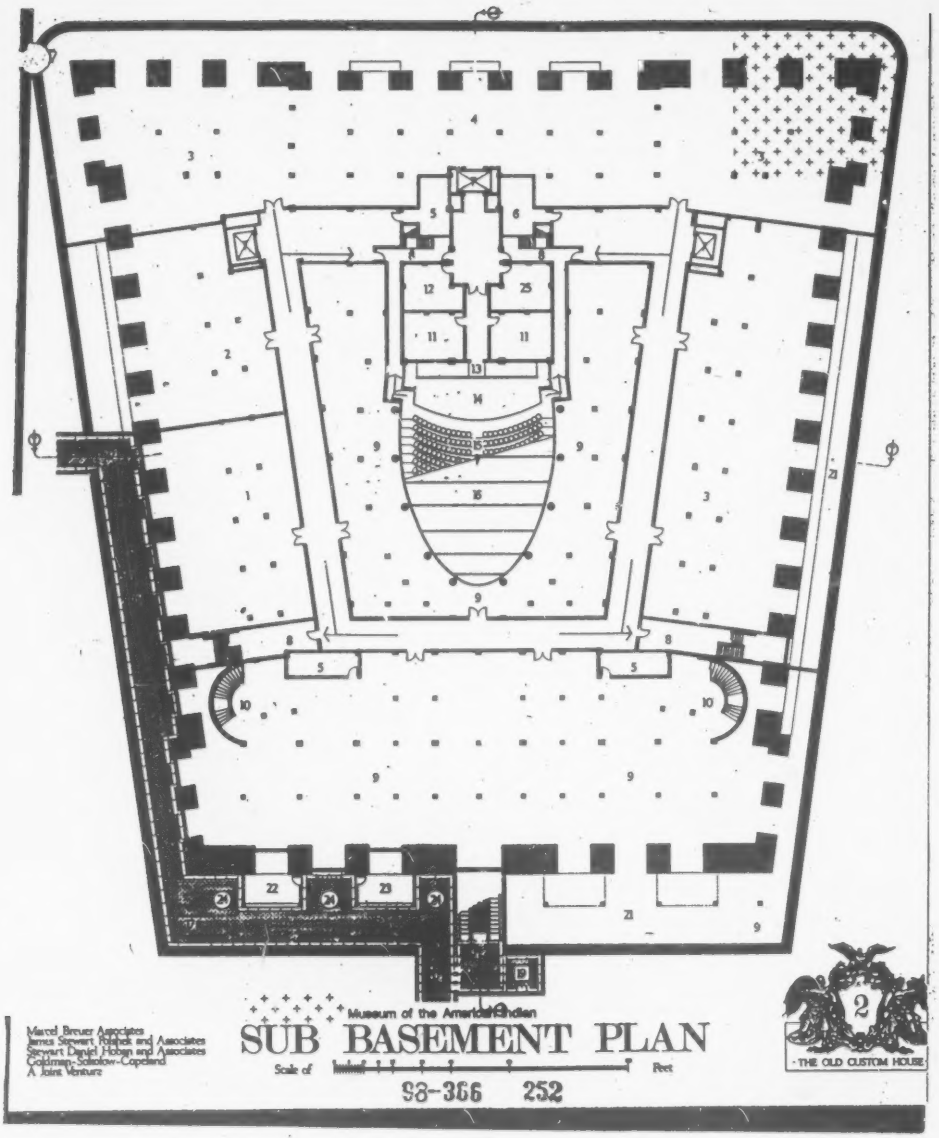
Cost Ranges

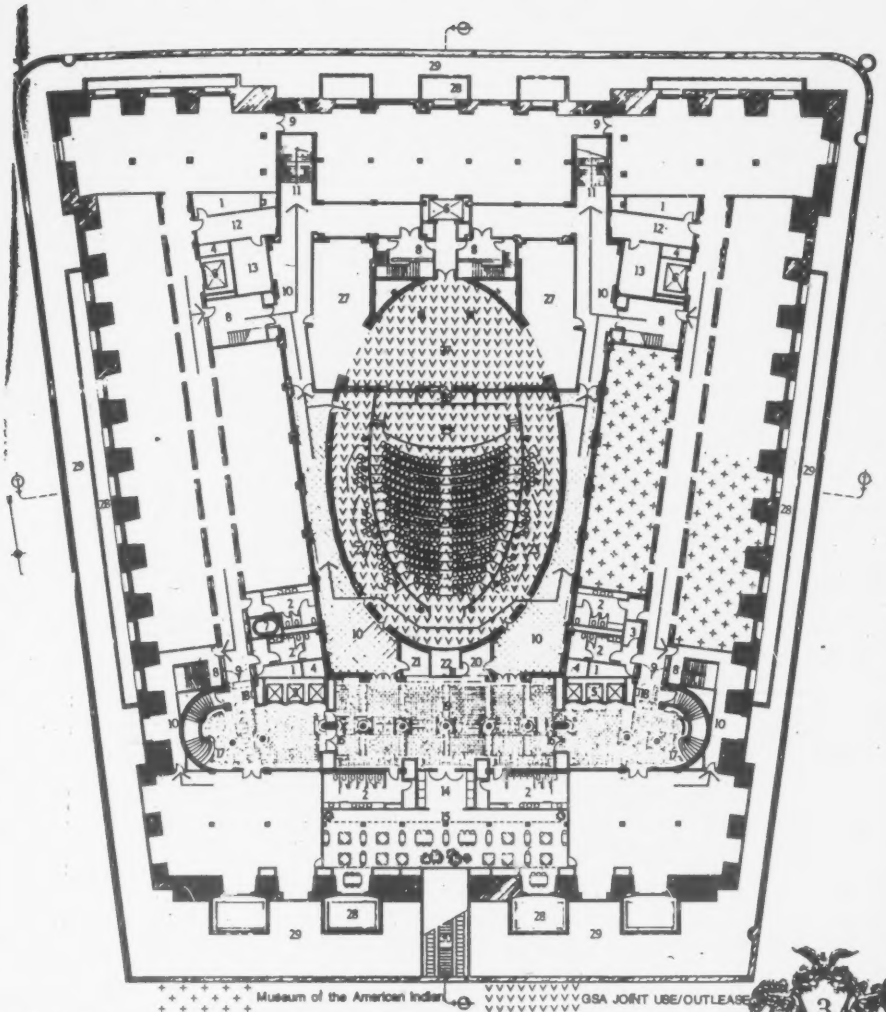
Note: Figures are estimated and intended to show an order of magnitude and are in FY '89 dollars. Total forecasted escalation factors for NYC construction is 7.8% in FY'90, 15.6% in FY'91, 19.7% in FY'92, 27.7% in FY'93, and 29.6% in FY'1994. These factors may be applied directly to the Construction Cost Range.

Cost Items	Construction Cost Range	Building Operating Cost	Museum Operating Program Costs
Initial Starting Costs	**$15,000,000 to $18,000,000**	**$350,000**	**$5,700,000** ***
Annual Continuing Costs	**N/A**	**$2,000,000** ****	**$4,600,000**

*** Includes $4,000,000 for exhibition installation and $1,700,000 for furnishing and equipment.

**** Does not include GSA tenant fees which is subject to negotiation.


Museum of the American Indian
SUB BASEMENT PLAN
Marcel Breuer Associates
James Stewart Polshek and Associates
Stewart Daniel Hoban and Associates
Goldman-Sokolow-Copeland
A Joint Venture
Scale of
Feet
88-366 252
2
THE OLD CUSTOM HOUSE

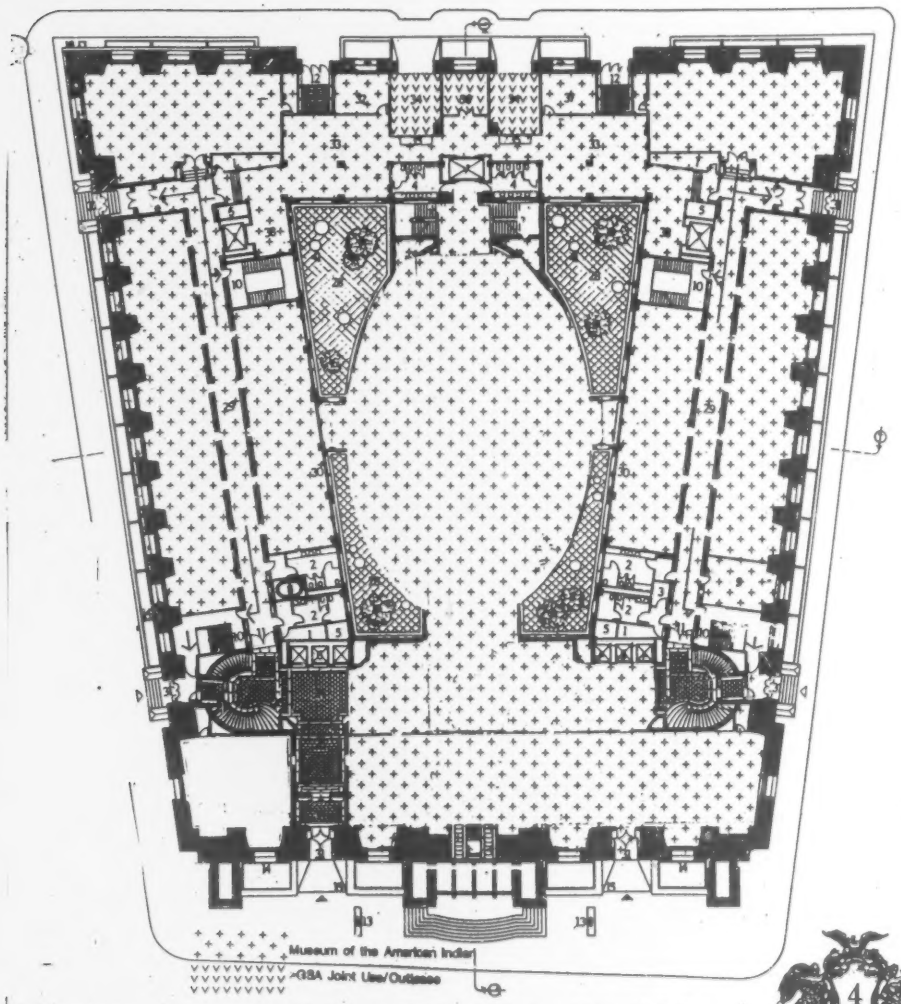


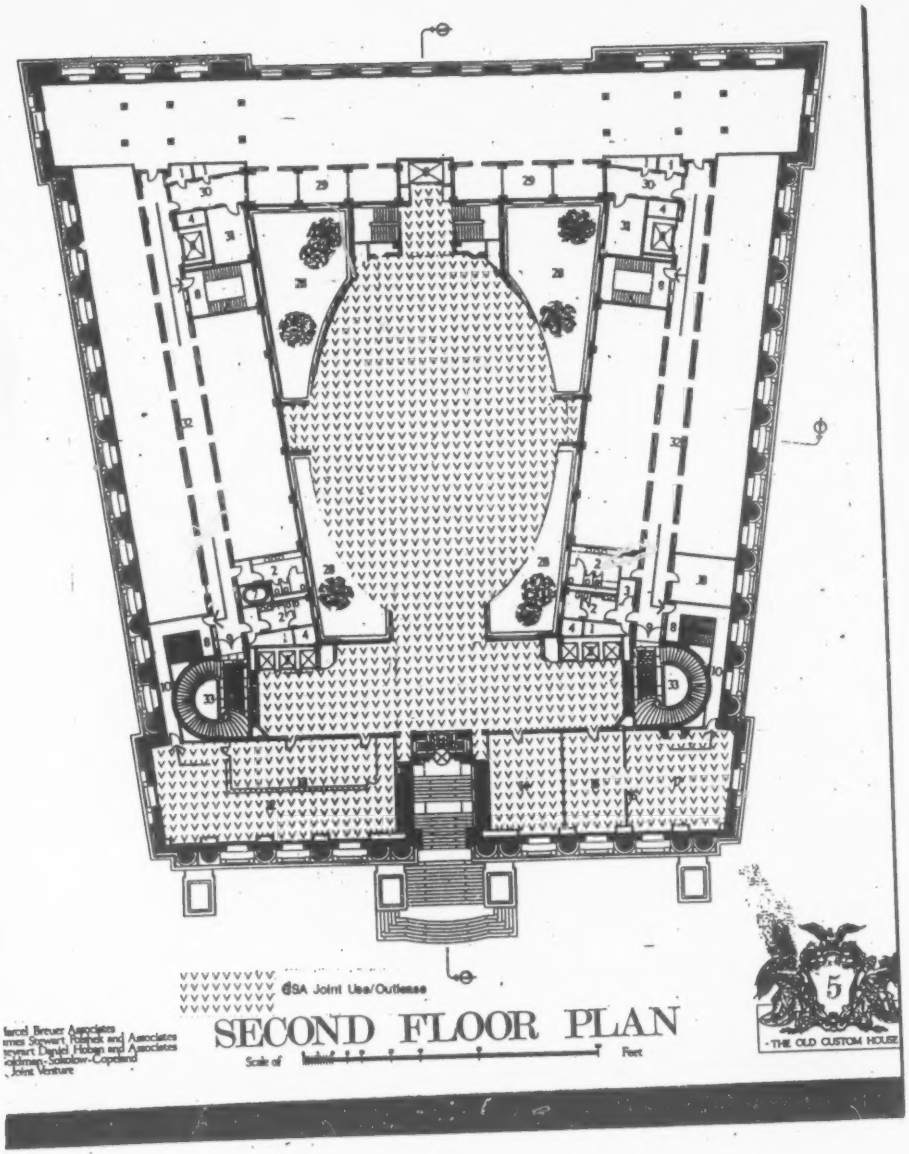
Marcel Breuer Associates
James Stewart Polshek and Associates
Stewart Daniel Hoban and Associates
Goldman, Sokolow-Copeland
A Joint Venture

BASEMENT PLAN

Scale of Feet

98-366 253


Museum of the American Indian
GSA Joint Use/Outlease
Marcel Breuer Associates
James Stewart Polshek and Associates
Stewart Daniel Hobgin and Associates
Goldman-Sobolow-Copeland
A Joint Venture
FIRST FLOOR PLAN
Scale of Inches Feet
4
THE OLD CUSTOM HOUS


GSA Joint Use/Outlease
SECOND FLOOR PLAN
Scale of
Feet
5
- THE OLD CUSTOM HOUSE